

**MINUTES OF A MEETING OF THE  
PUBLIC SAFETY AND PROTECTION SUB-COMMITTEE B  
HELD ON 23<sup>RD</sup> NOVEMBER 2010 AT 10.00 A.M.**

P Councillor Muriel Cole (for Cllr Havvock)  
P Councillor Chris Davies  
A Councillor Alf Havvock  
P Councillor Jeff Lovell  
A Councillor David Morris  
P Councillor Guy Poultney (in the Chair)

**PSP**

**105.11/10 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS AND  
DECLARATIONS OF INTEREST**

**(i) Apologies**

Apologies were received from Councillor Havvock, substitute Councillor Cole; and Councillor Morris.

**(ii) Declarations of Interest**

There were no further declarations of interest.

**PSP**

**106.11/10 PUBLIC FORUM**

Nothing was received.

**PSP**

**107.11/10 CONSIDERATION OF THE SUSPENSION OF COMMITTEE  
PROCEDURE RULES (CMR 10 AND 11) RELATING TO THE  
MOVING OF MOTIONS AND RULES OF 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**

**108.11/10 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 I of Schedule 12A to the Act, as amended.**

**PSP**

**109.11/10 APPLICATION FOR THE GRANT OF A PRIVATE HIRE DRIVER'S LICENCE - NH**

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

The Sub-Committee considered an exempt report of the Director of Neighbourhoods (agenda item no. 5) considering the grant of a Private Hire Driver's Licence.

NH was in attendance, accompanied by an interpreter.

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

Licensing Officer introduced the report and summarised it for Members.

NH then put his case and answered questions highlighting the following points:

- Someone else had completed his application form for him
- He needs to earn money to support his family, however he is a heart patient and cannot do physical work
- The money he currently receives from Income Support is not enough to sustain his family.
- For the 2008 offence he was sentenced to a Community Penalty involving an unpaid work requirement. He did start his unpaid work and was approximately half way through the number of hours he had to complete before he breached the Order.
- He breached his suspended sentence because his father was taken ill in Pakistan and he had to go to care for him;

he did not advise the authorities because he was concerned that he would not be allowed to go

- He has made mistakes and cannot defend some of the things he has done
- He had continued driving when he was banned and had also applied for a taxi license by giving false information
- He has learned his lesson the hard way and promises not to commit any further offences
- He summed up his case

The Representative of the Service Director, Legal Services reminded Members that they could not take personal circumstances into account when coming to a decision.

The Licensing Officer confirmed that the offence of obtaining pecuniary advantage by deception relates to him providing false information to the Licensing Office to obtain a taxi license.

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

Details of the Committee's findings and reasons for the decision are set out in Appendix 1.

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 for a Private Hire Driver's Licence by NH be refused on the ground contained in section 51 of the Local Government (Miscellaneous Provisions) Act 1976 in that he had not satisfied the Council that he was a fit and proper person to hold such a licence.**

**PSP**

**110.11/10 PRIVATE HIRE DRIVER RECENT POLICE CAUTION - KS**  
(Exempt paragraph 3 - Information relating to a person's financial or business affairs)

The Sub-Committee considered an exempt report of the Director of Neighbourhoods (agenda item no. 6) considering whether any action is required as a result of a police caution.

KS was in attendance.

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

Licensing Officer introduced the report and summarised it for Members.

The Representative of the Service Director, Legal Services advised Members that a Caution is not a conviction but in order to be administered, the individual concerned has to accept they are guilty of the offence.

KS then put his case and answered questions highlighting the following points:

- He has been licensed since 2001 and has had no other problems
- He has a clean driving license
- The offence was not that serious and he was shocked when the police arrested him
- He was arrested 4 months after the offence took place
- He had been taken to the Police Station, interviewed and cautioned for Common Assault;; he did not know what Common Assault was
- That he considered 'violence' to be a technical word and the incident was not a serious one.
- He had picked up a woman at the top of Park Street at about 3.30 am; she was very drunk and had asked to go to the City Centre
- He did not realise how intoxicated the woman was. If he had realised, he would have refused to take the fare.
- After driving around the central area for some time and making several stops, the woman still refused to leave the car and would not explain where she wanted to go.

- The passenger was swearing at him and in some ways being abusive.
- He tried to attract the Police but was unable to do so
- He eventually stopped by the Bus Station, because it was a well lit area and asked her to leave the car; she refused
- He was asking the woman to leave the car for some time before he exited the vehicle and attempted to assist her departure.
- He reached into the car and pulled her out; he did not push her to the floor, she lost her balance and fell down
- He did not charge her the £20 fare as he thought she had no money or would refuse to pay; he told her to go home as he simply wanted to carry on working.
- If a similar incident happened again he would call the Police
- He was not aware of the arrangements in place with the police on Friday and Saturday evenings.
- He did not know how the Police traced him; he assumed that someone else had seen the incident and noted his number
- He summed up his case

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

Details of the Committee's findings and reasons for the decision are set out in Appendix 2.

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

**RESOLVED - that no action be taken against KS on this occasion.**

**PSP**

**111.11/10 APPLICATION FOR THE GRANT OF A PRIVATE HIRE DRIVER LICENCE - MSS**

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

The Sub-Committee considered an exempt report of the Director of Neighbourhoods (agenda item no. 7) considering the grant of a Private Hire Driver's Licence.

MSS was in attendance, accompanied by his father and Councillor Ron Stone.

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

Licensing Officer introduced the report and summarised it for Members.

MSS tabled a written statement along with other relevant documentation to support his case. A copy of all the documentation is contained in the Minute Book. He also agreed that his spent convictions could be taken into account by the Committee as they are relevant to his case.

Councillor Stone then made a statement on his behalf highlighting the following:

- He has known the family for over 20 years
- MSS's father is a highly respected member of the Sikh Community and having held a taxi license for a number of years is well aware of the responsibilities that go with it
- MSS is living with his father and he is aware that any regression by himself would reflect badly on his father
- When he committed the offences he was young and vulnerable, and did things that were wrong
- The attack in 2000 was very serious, left him traumatised and caused his life to spiral downwards; those who carried out the attack were identified but there was insufficient evidence to convict them
- In more recent times he has tried to turn his life around; he is free of drugs and an active sportsman

- He has come before the Committee with a very honest approach
- He needs to be given a second chance
- He is intending to marry his partner

MSS's father then made a statement on his behalf highlighting the following:

- His son has been living in the family home since his release from prison
- His wife are responsible for supervising and supporting their son
- He carries out lots of voluntary work and he is well known in the Community
- He has lived in Bristol for 29 years
- He ran a night club in Stokes Croft for 4 years
- Young people make mistakes and his son was out of control and using drugs
- His son is now free from drugs
- His son has now turned his life around and would like a second chance
- There will be serious consequences for his son should he begin to use drugs again insofar as his family is concerned.

In response to questions, MSS stated that he wanted to make his father proud, wants to support his family and wants to put his past behind him.

MSS summed up his case.

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

Details of the Committee's findings and reasons for the decision are set out in Appendix 3.

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

**RESOLVED - that, the Licensing Manager or his Deputy be authorised to determine the application subject to MSS passing the remaining elements of the fit and proper person test as detailed in paragraph 4 of the report**

**PSP**

**112.11/10 APPLICATION FOR THE GRANT OF A HACKNEY CARRIAGE DRIVER'S LICENCE - AA**

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

The Sub-Committee considered an exempt report of the Director of Neighbourhoods (agenda item no. 8) considering the grant of a Hackney Carriage Driver's Licence.

AA was in attendance, accompanied by a colleague, MS.

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

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

AA put his case and answered questions highlighting the following points:

- He tabled references - a copy of the references is contained in the Minute Book
- In the report, it stated that he was the landlord who created tenancies but this was not the case, he was the agent
- It was a family property - his mother in law had been renting the property and his father in law owned it
- It was an unfortunate situation and he was sorry for what had happened. He should have paid more attention to what other family members were doing



- It was a family issue and he had not spoken to the other family members who had been involved since as they had ruined his livelihood
- He had been used by others to gain illegal benefits; he never made any financial gain himself. He had been caught up in the middle and used as a tool for someone else's gain
- He had 4 children to support, a mortgage to pay, had not been able to obtain much work, has had to borrow money and is in danger of losing his house
- He has a clean driving licence and never had problems or any complaints when he was a taxi driver
- This was an isolated case and he wanted to move on and put the past behind him
- He wanted to work and did not want to claim benefits
- He accepted the offence, that he did wrong, apologised and stated that he would not do it again
- He had not known what was happening until the case came to court
- He has paid the compensation ordered by the court; he has also paid some of the money owed to BCC following his unsuccessful appeals
- AA accepted that he had been dishonest but it was not a clear cut case as so many issues were involved. He did not know what was going on until the case got to court
- Mistakes had been made on the tenancy agreements. He should have crossed out "landlord" and substituted it for "agent"
- He summed up his case

His colleague, MS, made a statement supporting him and highlighted the following:

- He had known AA for 25 years

- AA was a good man who had never been in any other kind of trouble before
- Since losing his licence AA had found it very difficult and had accumulated large debts
- He had employed AA before and would employ him again
- He has accepted that he made a mistake and it will never happen again

The Licensing Officer drew the Member's attention to a discrepancy in the issue number of the DVLA License produced by AA at the Meeting which supported his application. He explained that he thought he had sent one back and that he has a Provisional HGSV Licence.

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

Details of the Committee's findings and reasons for the decision are set out in Appendix 4.

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 for a Hackney Carriage Driver's Licence by AA be refused on the ground contained in section 59 of the Local Government (Miscellaneous Provisions) Act 1976 in that he had not satisfied the Council that he was a fit and proper person to hold such a licence.**

## **PSP**

### **113.11/10 APPLICATION FOR THE GRANT OF A PRIVATE HIRE DRIVER LICENCE - APPLICANT: BA**

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

The Sub-Committee considered an exempt report of the Director of Neighbourhoods (agenda item no. 9) considering an application for the grant of a Private Hire Driver's Licence.

BA was in attendance, accompanied by a colleague.

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

Licensing Officer introduced the report and summarised it for Members.

BA made the following points in support of his application:

- He was not working at present and needed to find work
- He had been studying to be a taxi driver
- As far as the offences were concerned, he had been working as a delivery driver and had been told by his employer that the car was insured
- When he was stopped by the Police he found out that he was not insured, but initially the Police took no action
- The second time he was stopped by the same Police Officer he was asked why he had not admitted having no insurance the first time. Because it was alleged that he lied to a Police Officer on the first occasion by saying that the vehicle was insured, that amounted to obstruction. He thought the vehicle was insured
- His employer apologised and told him that he had meant to insure the car
- He did not assault the Police Officer or say anything offensive to him
- On the second occasion he was stopped he was taking members of staff to Swansea late at night
- He was not aware why there had been two court cases
- He summed up his case

His colleague made a statement in support of his case highlighting the following:

- He has known BA for some time
- BA has lived in this country since 2002 and wants to work

- BA had been told by his employer that he was insured
- BA felt there had been a misunderstanding with the Police
- BA has been studying for the knowledge test for 8 months

The Representative of the Service Director, Legal Services reminded Members that these were major traffic offences and where an applicant had been disqualified from driving because of a major traffic offence, a period of two years free of conviction would usually be required before an application will be entertained. The offence of obstruction generally required a much longer period.

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

Details of the Committee's findings and reasons for the decision are set out in Appendix 5.

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 for a Private Hire Driver's License by BA be refused on the ground contained in section 51 of the Local Government (Miscellaneous Provisions) Act 1976 in that he had not satisfied the Council that he was a fit and proper person to hold such a licence.**

(The meeting ended at 3.45 pm.)

CHAIR

## BRISTOL CITY COUNCIL

**MINUTES OF MEETING OF THE  
PUBLIC SAFETY AND PROTECTION SUB-COMMITTEE A  
HELD ON 23<sup>rd</sup> NOVEMBER 2010 AT 10.00 A.M.**

PSP 109.11/10

Agenda item no: 5

**Agenda title**

**APPLICATION FOR THE GRANT OF A PRIVATE HIRE DRIVER'S  
LICENCE - NH**

**Finding of Facts**

NH has been convicted of a number of offences as detailed in the Report.

NH is not a fit and proper person to hold a private hire driver's licence

**Decision**

That the application for a Private Hire Driver's License by NH be refused on the ground contained in section 51 of the Local Government (Miscellaneous Provisions) Act 1976 in that he had not satisfied the Council that he is a fit and proper person to hold such a license.

**Reasons for Decision**

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

Members noted with concern the number and different types offences that NH has committed as well as the fact that some of the offences committed are serious and resulted in public safety being compromised. Members felt that the history of offending amounted to a series of offences with a lack of mitigation offered by the Applicant for his conduct. Members noted the Applicant's history of driving with no insurance or driving whilst disqualified as well as the plying for hire offences. They also considered their Policy on criminal behaviour, which in respect of offences involving dishonesty, usually required a period of 3-5 years free of conviction. As the dishonesty offences were clearly at the more serious end of the scale reflected by the fact that a suspended sentence of imprisonment was imposed, members considered that the longer period of 5 years free of conviction was more appropriate in this case. NH therefore had a very heavy burden to discharge to justify an exception to the policy being made in his case. Members therefore decided to refuse the application as NH had not satisfied them that he was a fit and proper person to hold a Private Hire Driver's License or that an exception to the policy should be made in his case.

**Chair's Signature**

**BRISTOL CITY COUNCIL****MINUTES OF MEETING OF THE  
PUBLIC SAFETY AND PROTECTION SUB-COMMITTEE A  
HELD ON 23<sup>rd</sup> NOVEMBER 2010 AT 10.00 A.M.****PSP 110.11/10****Agenda item no: 6****Agenda title****PRIVATE HIRE DRIVER RECENT POLICE CAUTION - KS****Finding of Facts**

KS was Cautioned by Avon and Somerset Police for Common Assault.

**Decision**

That no action be taken against KS.

**Reasons for Decision**

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

Members noted his previous good record, that he had been a licensee for a number of years, that no complaints had been made against him, that he had admitted the offence and that it was an isolated incident, that his response had been proportionate, that it was a low level offence and that in similar circumstances in the future he would contact the Police. Members therefore decided in this case to make an exception to their Policy and take no action against KS.

**Chair's Signature**

## BRISTOL CITY COUNCIL

**MINUTES OF MEETING OF THE  
PUBLIC SAFETY AND PROTECTION SUB-COMMITTEE A  
HELD ON 23<sup>rd</sup> NOVEMBER 2010 AT 10.00 A.M.**

PSP 111.11/10

Agenda item no: 7

**Agenda title**

**APPLICATION FOR THE GRANT OF A PRIVATE HIRE DRIVER  
LICENCE - MSS**

**Finding of Facts**

- MSS was found guilty of offences at Bristol Magistrates' Court on 15<sup>th</sup> April 2005 and Reading Crown on 28<sup>th</sup> April 2006.
- MSS had, on a balance of probabilities, proved to the Council that he was a suitable person to hold a Private Hire Driver's Licence but that the "fit and proper person" test could only be satisfied once MSS had passed all other elements of that test

**Decision**

That, the Licensing Manager or his Deputy be authorised to determine the application subject to MSS passing the remaining elements of the fit and proper person test as detailed in paragraph 4 of the report.

**Reasons for Decision**

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

The offences in respect of which MSS had been convicted were clearly of a serious nature but it was clear that MSS was very remorseful about his past and there were exceptional mitigating circumstances in his case. Members particularly noted the effect that the attack in 2000 had had on MSS and the great efforts he had made to turn his life around. Regard was had to the references he produced and the statements of support made by his father and Councillor Stone. MSS was able to satisfy the Members that he was a genuinely reformed character and that there was sufficient evidence of good character such to justify a departure from the policy being made in his case. The Members were therefore satisfied that MSS was of a suitable character to be a Private Hire Driver. However, before he could satisfy the "fit and proper person" test, he would need to pass the essential skills test, knowledge test and a medical examination. Authority would be given to the Licensing Manager or his Deputy to grant MSS a licence once these elements of the test had been successfully completed.

**Chair's Signature**



## BRISTOL CITY COUNCIL

**MINUTES OF MEETING OF THE  
PUBLIC SAFETY AND PROTECTION SUB-COMMITTEE A  
HELD ON 23<sup>rd</sup> NOVEMBER 2010 AT 10.00 A.M.**

PSP 112.11/10

Agenda item no: 8

**Agenda title**

**APPLICATION FOR THE GRANT OF A HACKNEY CARRIAGE  
DRIVER'S LICENCE - AA**

**Finding of Facts**

- AA was found guilty at Bristol Crown Court of dishonestly allowing or causing others to produce false documents to obtain Housing Benefit and Council Tax Benefit. For this offence he received a suspended sentence of imprisonment and was ordered to pay compensation in the sum of £10,000
- On a balance of probabilities, AA was not a fit and proper person to hold a Hackney Carriage Driver's Licence

**Decision**

That the application for a Hackney Carriage Driver's Licence by AA be refused on the ground contained in section 59 of the Local Government (Miscellaneous Provisions) Act 1976 in that he had not satisfied the Council that he was a fit and proper person to hold such a licence.

**Reasons for Decision**

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

Members first had regard to their policy on criminal behaviour, which in respect of offences involving dishonesty, usually required a period of at least 3-5 years free of conviction. In AA's case, it was considered that the offending conduct was at the more serious end of the scale, reflected by the fact that a suspended sentence of imprisonment was imposed. In such circumstances the Committee would usually expect the longer period of 5 years free of conviction before an application would be entertained. However, each case had to be determined on its own merits, the burden of proof lying with AA to satisfy the Committee that in the individual circumstances of his case, he should be treated as an exception to the policy.

The Committee were concerned at AA's reluctance to accept culpability, even though he played a central role in a fraud that took place over a

period of some four years. The conduct could not therefore be regarded as an isolated incident as suggested by AA; there was a protracted series of offending. The relevant statutory provisions envisage that a licence can be suspended or revoked on the sole ground of the individual having committed an offence involving dishonesty, which clearly goes to the heart of the taxi licensing regime and public protection.

Notwithstanding the references produced by AA at the hearing, it was considered that he had not discharged the heavy burden of proving that he was a fit and proper person or that he should be treated as an exception to the Council's policy without undermining it and public confidence.

**Chair's Signature**

## BRISTOL CITY COUNCIL

**MINUTES OF MEETING OF THE  
PUBLIC SAFETY AND PROTECTION SUB-COMMITTEE A  
HELD ON 23<sup>rd</sup> NOVEMBER 2010 AT 10.00 A.M.**

PSP 113.11/10

Agenda item no: 9

**Agenda title**

**APPLICATION FOR THE GRANT OF A PRIVATE HIRE DIVER  
LICENCE - APPLICANT: BA**

**Finding of Facts**

- BA had been convicted of 2 offences of Using a Vehicle while Uninsured which had resulted in a disqualification and 1 offence of Resisting or Obstructing a Constable.
- On a balance of probabilities, BA was not a fit and proper person to hold a Private Hire Driver's Licence

**Decision**

That the application for a Private Hire Driver's Licence by BA be refused on the ground contained in section 51 of the Local Government (Miscellaneous Provisions) Act 1976 in that he had not satisfied the Council that he was a fit and proper person to hold such a licence.

**Reasons for Decision**

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

BA had been convicted of two offences of driving whilst uninsured resulting in a period of disqualification. Such offences are regarded as "major traffic offences" under the Council's policy and would usually require a period of at least 2 years free from conviction before an application will be entertained. The offence of obstruction required a much longer period.

There is no presumption in the legislation that an applicant is a fit and proper person and given that BA had produced no evidence to show good character, there was no basis upon which to justify a departure from the Council's policy on criminal behaviour without undermining it or the reasons that underlie it. On a balance of probabilities, BA was not considered to be a fit and proper person to hold a Private Hire Driver's Licence.

**Chair's Signature**