

**MINUTES OF A MEETING OF THE
PUBLIC SAFETY AND PROTECTION SUB-COMMITTEE A
HELD ON 8TH JUNE 2010 AT 11.00 A.M.**

A Councillor Muriel Cole
P Councillor Chris Davies (for Cllr Cole)
P Councillor Brenda Hugill
P Councillor Jay Jethwa
P Councillor Tim Leaman
P Councillor Guy Poultney

PSP

15.6/10

ELECTION OF CHAIR AND VICE-CHAIR

- RESOLVED -**
- (1) that Councillor Hugill be elected Chair of the Public Safety and Protection Sub-Committee A for the 2010/11 Municipal Year; and**
 - (2) that Councillor Poultney be elected Vice-Chair of the Public Safety and Protection Sub-Committee A for the 2010/11 Municipal Year.**

PSP

16.6/10

**APOLOGIES FOR ABSENCE AND SUBSTITUTIONS AND
DECLARATIONS OF INTEREST**

(i) Apologies

Apologies were received from Councillor Cole, her substitute was Councillor Davies.

(ii) Declarations of Interest

The following declarations were received and noted:

(a) Councillor Hugill knows MA, who is accompanying AQ - he stood for election in a neighbouring ward.

(b) Councillor Jethwa knows MA, who is accompanying AQ - he is a family friend.

Both interests were personal and both Members remained at the Meeting.

PSP

17.6/10

SUB-COMMITTEE TERMS OF REFERENCE

RESOLVED - that the sub-committee terms of reference be noted, as agreed at the annual meeting of the Public Safety and Protection Committee held on 8th June 2010.

PSP

18.6/10

PUBLIC FORUM

Nothing was received.

PSP

19.6/10

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

20.6/10

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

21.6/10

APPLICATION FOR THE GRANT OF A PRIVATE HIRE DRIVER'S LICENCE - AQ.

(Exempt under 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 an application for the grant of a Private hire driver's licence.

AQ was in attendance, accompanied by MA.

The Chair explained the procedure that would be followed.

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

AQ then put his case and answered questions highlighting the following:

- In relation to the conviction in Cardiff, he had been on a night out with friends when the car he was travelling in was stopped by the Police and a small amount of cannabis was found in the car; nobody else would admit to possessing it so he had in order to be released from custody by the Police
- The Common Assault conviction related to an incident in Stapleton Road when he brushed shoulders with a PCSO - he had pleaded guilty in court to the offence
- The conviction in Bristol on 29th May 2009 related to when his car had been stopped by the Police and a small amount of cannabis found in it
- He had disclosed the Common Assault conviction on his application form, but not the other offences
- He had received the conviction for the Breach of Community Order as a result of arriving late because of travelling difficulties to fulfil his original Community Order; he had now completed the Community Order
- He no longer associated with the people he had been with when convicted for possession of cannabis
- He had been advised by the Police that he would only receive a caution for the cannabis possession
- He no longer had any paperwork relating to any of the offences

- He was not aware of the assault on the PCSO until the Police came to his house later in the day; the PCSO claimed that he had deliberately barged into him although nothing was said at the time

MA made a statement in support of AQ - he had known the family for 30 years and AQ since he was born; the amount of cannabis found was only small and had resulted in small fines; the assault on the PCSO was an accidental incident involving a shoulder to shoulder contact; he had been mixing with the wrong people previously and now wanted to sort out his life; his family are trustworthy.

AQ tabled two letters that are contained in the Minute Book and summed up his case.

The Licensing Manager provided Policy Advice for the Members of the Committee.

The Representative of the Service Director, Legal Services explained the legal definition of Common Assault. She also clarified that nobody would receive a Police Caution and a fine from the Courts - it would always be either one or the other.

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 License by AQ be refused.

(Councillor Leaman left the Meeting at this point.)

**PSP
22.6/10**

PRIVATE HIRE DRIVER RECENT POLICE CAUTION - OS.
(Exempt under paragraph 3 - Information relating to a person's financial or business affairs)

OS was not in attendance.

Members noted that two letters had been sent to OS and after careful consideration Members decided that they would defer consideration of his case until a future Meeting.

Members decided that they would like further information concerning the circumstances of the Police Caution issued to OS. Members also decided that it was unlikely they would allow a further deferment of this case should OS not attend on the next occasion requested to do so.

RESOLVED - (i) that consideration of this case be deferred until a future Meeting; and

(ii) that the Licensing Manager be instructed to write to OS requesting further information concerning the circumstances of the Police Caution issued to him and advising him that it was unlikely the Committee would allow a further deferment of this case should he not attend on the next occasion requested to do so.

PSP

23.6/10

DATE OF NEXT MEETING

RESOLVED - that the next meeting will be held on Tuesday 6th July 2010 at 10.00 a.m. (subsequently changed to 22nd June 2010 at 10.00 am) and is likely to be a meeting of Sub-Committee B.

(The meeting ended at 12.25 pm.)

CHAIR

BRISTOL CITY COUNCIL

**MINUTES OF MEETING
OF THE PUBLIC SAFETY AND PROTECTION
SUB-COMMITTEE A
HELD ON 8th JUNE 2010 AT 10.00 A.M.**

PSP 21.6/10

Agenda item no: 7

Agenda title

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

Finding of Facts

AQ was convicted of Possessing Cannabis by Cardiff Magistrates Court on 7th July 2008.

AQ was convicted of Common Assault by Bristol Magistrates Court on 22nd February 2007.

AQ was convicted of Breach of a Community Order by Bristol Magistrates Court on 25th July 2008.

AQ was convicted of Possessing Cannabis by Bristol Magistrates Court on 29th May 2009.

Decision

That the application for a Private Hire Driver's License made by AQ be refused.

Reasons for Decision

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

It was for AQ to satisfy the council that he was a fit and proper person. Under the Council's policy the expectation was that his application would be refused. He had to show that, notwithstanding his history of criminal convictions would ordinarily warrant refusal, an exception could be made in the particular circumstances of his case without imperilling the public protection purpose for which the guidelines had been adopted.

AQ had not been able to do this. He did not satisfy the Council that he was a fit and proper person to hold a Private Hire Driver's License and therefore his application was refused.

Chair's Signature