

BRISTOL CITY COUNCIL

MINUTES OF A MEETING OF THE
PUBLIC SAFETY AND PROTECTION SUB-COMMITTEE A
HELD ON 6TH JULY 2010 AT 10.00 A.M.

P Councillor Muriel Cole
P Councillor Brenda Hugill (in the Chair)
P Councillor Jay Jethwa
P Councillor Tim Leaman
P Councillor Guy Poultney

PSP

**31.7/10 APOLOGIES FOR ABSENCE, SUBSTITUTIONS AND
DECLARATIONS OF INTEREST**

There were none.

PSP

32.7/10 PUBLIC FORUM

There was none.

PSP

**33.7/10 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

34.7/10 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 item of business on the grounds that it involves the likely disclosure of exempt information as defined in Part I of Schedule 12A to the Act,

as amended.

PSP

35.7/10

**APPLICATION FOR THE GRANT OF A PRIVATE HIRE
DRIVER'S LICENCE - APPLICANT: MKR**

(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 an application for the grant of a private hire driver's licence.

MKR was in attendance.

The Chair explained the procedure that would be followed.

The Licensing Officer introduced the report and highlighted the conviction dated 01 March 2010.

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

- MKR provided a paper license and explained that he was waiting to receive a photo license from the DVLA.
- He is 57 years old and has a Masters Degree in Economics
- He had formerly worked in the financial sector but had given up this career when he had a triple heart bypass operation in 2000.
- He originally passed his driving test in Pakistan in 1973
- He passed the UK driving test in 1983 and has been a taxi driver since 1998
- He had never previously had an accident in all of his years of driving
- The incident on 17th February 2010 relates to an accident when he ran into the back of a woman's car
- They had exchanged names and addresses at the time of the incident
- They were witnesses from the Licensing Office and the Police

- He had arrived late for the court case because his solicitor had written to the wrong address and his solicitor had had to telephone him at home on the day of the court case when he had initially failed to attend court
- When the case came to court his solicitor had refused to represent him because his solicitor claimed that he had not been paid
- MKR had had to defend himself
- MKR stated that his solicitor was “hiding” all of the evidence in relation to this case
- On 1 March 2010 Bristol Magistrates Court convicted MKR for driving without due care and attention and failing to give name and address after an accident.
- He did not accept that he had done anything wrong in relation to the incident and has applied for legal aid so that he can appeal against his conviction
- The incident on 16th October 2009 relates to an accident which happened when he was turning right from the Portway into Bridge Valley Road; he had signaled right and was hit from behind by a motorcyclist
- The motorcyclist had no number plate on his motorcycle and had provided him with a false name and address
- He had left the scene as his passenger had wanted to go to Temple Meads Station; the motorcyclist had called the Police and he was subsequently charged
- He has 5 witnesses to this incident but the court case on 30th June 2010 was deferred until the end of July 2010 because the witnesses were not able to attend on 30th June 2010
- He has three points on his DVLA License in relation to a speeding fine as well the 6 points from the conviction on 1st March 2010
- He did not accept that he had done anything wrong in relation to this incident

The Licensing Officer stated that the information held by the

Licensing Office contradicts some of the evidence given by MKR

- When MKR had arrived 2 hours late for his court case he explained to the Court that he was unwell as he had flu having returned from Haj recently
- MKR stated that there were two prosecution witnesses in court on 1st March 2010. However, the information received following the conviction was that there were 7 prosecution witnesses
- The Licensing Officer also stated that MKR had been seen by Occupational Health who passed him fit to drive a taxi.

The Licensing Officer also advised Members that MKR had failed to notify the Licensing Office of his speeding conviction or his conviction on 1st March 2010.

MKR then summed up his case.

The Representative of the Head of Legal Services provided Members with Policy advice.

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 by MKR for a Private Hire Driver's License be refused on the grounds that he has not convinced the Council that he is a fit and proper person to hold such a license.

INFORMATION ITEM

PSP

36.7/10

DATE OF NEXT MEETING

RESOLVED - that the next meeting be held on Tuesday 27th July 2010 at 10.00 a.m. and is likely to be a meeting of sub-committee B.

(The meeting ended at 11.55 am.)

CHAIR

BRISTOL CITY COUNCIL

**MINUTES OF MEETING
OF THE PUBLIC SAFETY AND PROTECTION
SUB-COMMITTEE A
HELD ON 6th JULY 2010 AT 10.00 A.M.**

PSP 35.7/10

Agenda item no: 6

Agenda title

**APPLICATION FOR THE GRANT OF A PRIVATE HIRE DRIVER'S
LICENCE - APPLICANT: MKR**

Finding of Fact

On 1st March 2010 MKR was convicted by Bristol Magistrates Court of Driving without Due Care and Attention, and failing to give name and address after an accident.

Decision

That the application by MKR for a Private Hire Driver's License be refused on the grounds that he has not convinced 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.

They noted that MKR had a previous good driving record. However bearing in mind the conviction on 1st March 2010 they did not consider that MKR's version of events to be truthful and that he had not persuaded them to set aside their Policy in his case.

Members of the Sub-Committee were mindful of their overriding responsibility to protect members of the public and therefore the Council was entitled to expect high standards of conduct from those whom it licensed. The Council has a duty to ensure so far as possible that those licensed to drive private hire vehicles are suitable persons, amongst other things, safe drivers with good driving records and honest.

Members considered the driving offences, which in accordance with the Council's policy are classed as major traffic offences. The Members took a grave view of such offences and had a responsibility to ensure the safety of the public.

The Members carefully considered the representations made by the applicant but did not accept his version of events as credible. Members

considered that MKR attempted to mislead them in respect of the conviction of 1 March 2010 as there were 7 witnesses at court and not 2. MKR blamed his solicitor for withholding evidence, blamed officers and the police. MKR stated that he was appealing the decision of the Magistrates court but when questioned further by members he had not so far obtained legal aid. MKR came across as an angry and volatile person who blamed everyone else but himself. Members did not find MKR credible.

Members consider the Council policy on offending behavior and where there is an isolated conviction without disqualification for an offence such as driving without due care and attention will require careful consideration of the facts and will at the very least merit a warning. However, where the conviction is within 6 months prior to the date of the application the application will normally be refused. More than one conviction for this type of offence within the last 5 years is likely to merit refusal.

The Members were satisfied that MKR was not a fit and proper person to hold a Private Hire Driver's License and therefore decided to refuse his application for a Private Hire Driver's License.

Members were unanimous in their decision not to exercise their discretion and depart from the Council's policy. Members were satisfied that MKR had not presented any exceptional circumstances for the Members to depart from the Council's policy. Members considered that a warning was inappropriate in this case given that MKR did not give an accurate version of the events leading to his conviction on 1 March 2010.

The members considered that 6 months should elapse from date of conviction before a license could be issued to MKR provided he meets the other criteria.

Chair's Signature