

**MINUTES OF A MEETING OF THE
PUBLIC SAFETY AND PROTECTION SUB-COMMITTEE B
HELD ON 27TH JULY 2010 AT 10.00 A.M.**

P Councillor Chris Davies
P Councillor Alf Havvock
P Councillor Jeff Lovell
P Councillor David Morris
P Councillor Poultney

PSP

37.7/10

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

There were none.

PSP

38.7/10

PUBLIC FORUM

Nothing was received.

PSP

39.7/10

**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

40.7/10

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 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.

PRIVATE HIRE DRIVER RECENT POLICE CAUTION - OS

The sub-committee considered an exempt report of the Director of Neighbourhoods (agenda item no. 5) considering whether any action be required to be taken as a result of a Police caution.

OS was in attendance.

The Licensing Officer introduced the report and summarised it for Members. In response to a question, he confirmed all applicants are required to disclose all convictions, including cautions, on their application forms.

The Representative of the Service Director, Legal Services explained that although a caution is a spent conviction Members may want to know the circumstances surrounding. In this case however Members did not need to make a decision concerning this issue as OS had provided a letter detailing the circumstances.

OS presented his case and answered questions highlighting the following:

- He has worked since 2005 as a taxi driver except during 2008 when he was doing other work
- He had renewed his license in 2009 when a CRB check should have been carried out as he paid for it at that time
- The caution was issued in December 2009 and he had not included details of it on his form in 2010 as he thought a CRB check had been carried out the previous year; he had also been advised by the Police that the caution would not affect his taxi license
- He had parked outside the Co-op at the Monks Park Avenue/Gloucester Road Junction but did not consider that he was obstructing the traffic
- A bus had come out of Monks Park Avenue turning right on to Gloucester Road and the driver had considered OS's car to be forming an obstruction
- The bus driver had stopped the bus opened the passenger door and swore, and shouted racial abuse at OS
- OS had got on the bus and spat at the plastic partition

protecting the driver

- The Police had recorded details of the incident and OS had accepted a caution

The Licensing Officer confirmed that OS had ticked “No” on his application form in relation to cautions when he completed it in February 2010 even though the caution was issued in December 2009. He also confirmed that the CRB check had been carried out this year and was dated 19th April 2010, and not last year. A CRB check can only be obtained with the signed consent of the applicant and must be paid for by the applicant. The signed forms are retained by the CRB.

The Licensing Manager explained the CRB process and provided Policy advice for the Members.

OS summed up his case and reminded Members that he had been a taxi driver for 5 years without any other problems and had probably over reacted to the racial abuse.

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 Private Hire Driver’s License held by OS be suspended for a period of 28 days.

**PSP
42.7/10**

APPLICATION FOR THE GRANT OF A PRIVATE HIRE DRIVER’S LICENCE – APPLICANT CAB.

(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. 6) considering an application for the grant of a Private hire driver’s licence.

CAB was in attendance, accompanied by JM.

The Chair explained the procedure that would be followed.

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

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

- He had learnt his lesson and was very sorry for what had happened
- He was working as a taxi controller but this job does not provide enough money for him to support his family and needs to start driving taxis again to earn more money
- The circumstances of his arrest and conviction were that he had loaned his taxi to someone else the previous night and both were arrested and convicted for possession of 52 grams of cocaine
- His assets had been valued and in order to pay the £53,000 he had had to re-mortgage his house
- He had been released from prison in April 2009 having spent the previous year in an open prison and had been working as a taxi controller since June 2009

JM stated that CAB had been working for him for over 1 year and he was very reliable and very good with customers. CAB was trying to rehabilitate himself.

CAB summed up his case.

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

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 the application for a Private Hire Driver's License by CAB be refused as he had not

convinced the Council that he was a fit and proper person to hold such a license.

PSP

43.7/10

APPLICATION FOR THE GRANT OF A PRIVATE HIRE DRIVER'S LICENCE FROM AN APPLICANT WHO SEEKS A DEPARTURE FROM POLICY BY NOT MEETING THE REQUIREMENT TO PASS THE BRISTOL KNOWLEDGE TEST – APPLICANT RS.

(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 from an applicant who seeks a departure from Policy by not meeting the requirement to pass the Bristol Knowledge Test.

RS was in attendance.

The Chair explained the procedure that would be followed.

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

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

- He had taken the Knowledge Test but had failed because of his lack of knowledge of pubs, clubs and restaurants
- He only wants to work 3 to 4 days per week doing corporate journeys that do not involve taking people to these sort of venues
- He knows the geography of Bristol well and does not feel that that the investigative work that would be required to gain sufficient knowledge of pubs, clubs and restaurants to pass the Test would be worthwhile
- If he was granted a driver's license he would also obtain an operator's license

The Licensing Manager explained that there had two similar applications. One had been granted subject to the production of a contract. The other one involved journeys for a holiday company but had been refused.

The Licensing Manager also explained that the Knowledge Test is constantly updated and anyone who fails is offered feedback. In response to comments about Sat Navs, he added that they do not always provide the shortest route.

The Licensing Officer explained that the Test consists of 100 questions divided into four sections - districts, routes, general (including pubs, clubs, places of interest, etc.) and outside Bristol. The database consists of 2,000 to 3,000 questions that are chosen randomly by the computer. Applicants are required to get at least 50% in each section and a total of at least 75%.

RS summed up his case.

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

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 applicant's request that the Members depart from their policy and waive the requirement that RS must pass the Knowledge test be refused.

**PSP
44.7/10**

COMPLAINT OF OFFENDING CONDUCT – HOLDER OF HACKNEY CARRIAGE DRIVER'S LICENCE - AS

(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. 8) considering whether any action is necessary against the holder of a Hackney Carriage driver's licence.

AS was in attendance.

The Chair explained the procedure that would be followed.

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

AS presented his case and answered questions highlighting the following:

- At the time that the 'phone was left in his car his father had just had a heart operation
- The 'phone had been found by the next customer who used his taxi and was handed to him
- He took the 'phone home with the intention of returning it to its owner (but the battery was flat) or handing it into the Police
- Because of the trauma surrounding his father's operation and subsequent death he forgot about the 'phone which remained in his house for six months
- He was not aware that his son had found the 'phone or that he had taken it to school and he had certainly not asked him (his son) to sell it
- On previous occasions when he had found 'phones in his cab he had returned them to their owners or handed them in

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

AS 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 4.

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.

INFORMATION ITEM

PSP

45.7/10

DATE OF NEXT MEETING

**RESOLVED - that the next meeting is to be held on
Tuesday 24th August 2010 at 10.00 a.m. and is
likely to be a meeting of Sub-Committee A.**

(The meeting ended at 1.05 pm.)

CHAIR

BRISTOL CITY COUNCIL

**MINUTES OF MEETING OF THE
PUBLIC SAFETY AND PROTECTION SUB-COMMITTEE B
HELD ON 27th JULY 2010 AT 10.00 A.M.**

PSP 41.7/10

Agenda item no: 5

Agenda title

PRIVATE HIRE DRIVER RECENT POLICE CAUTION - OS

Findings of Fact

OS received Police Caution in December 2009 for assault.

Decision

That the Private Hire Driver's License held by OS be suspended for a period of 28 days.

Reasons for Decision

Members of the 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 in that they are, amongst other things, safe drivers with good driving records and honest. The Members were mindful of the responsibility it was charged with to protect members of the public. Members carefully considered the representations made by OS.

The Members accepted that OS had a clean record until recently. Members considered very carefully all of the written and verbal evidence presented to them.

Members were concerned that OS had tried to cover up the fact that he had received a Police Caution and did not find his assertion that a CRB check had been carried out last year or that he had not authorised or paid for a CRB check this year wholly credible. Members were also concerned that OS became involved in an altercation with the bus driver and spat at the partition.

The Members considered the options available to them. The Members agreed that they could not resolve to take no action as this would be condoning OS's behaviour, which was certainly not acceptable and would give out the wrong message.

However taking into account OS's previous good record as a taxi driver and the fact that the assault was a very low level offence Members decided that suspending the license held by OS for a period of 28 days would be

appropriate.

The Members unanimously agreed that OS was not a fit and proper person to hold a Private Hire driver's Licence and agreed that some action was necessary and considered the Council's policy.

The Members were mindful that the Council policy should be applied consistently but were also mindful that each cases must be considered on it's individual merits. The Members considered the circumstances around the offence, the explanation of why OS failed to declare the existence of his convictions. The Members considered the Council's policy and balanced the interests of public safety against the interests of OS and decided to depart from the Council's policy and suspend OS's licence for 28 days.

Chair's Signature

BRISTOL CITY COUNCIL

MINUTES OF A MEETING OF THE
PUBLIC SAFETY AND PROTECTION SUB-COMMITTEE B
HELD ON 27th JULY 2010 AT 10.00 A.M

PSP 42.7/10

Agenda item no: 6

Agenda title:

**APPLICATION FOR THE GRANT OF A PRIVATE HIRE DRIVER'S
LICENCE – APPLICANT CAB****Findings of Fact**

On 21st September 2006 CAB was found guilty at Bristol Crown Court of possessing a controlled drug with intent to supply and possessing a prohibited weapon. He was sentenced to 6 years in prison and had £53,000 confiscated.

Decision

That the application for a Private Hire Driver's License by CAB be refused as he had not convinced the Council that he was a fit and proper person to hold such a license.

Reasons for Decision

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 in that they are, amongst other things, safe and responsible drivers with good driving records and honest.

The Members considered the representations made by CAB that he had served a prison sentence, considered the explanation that he had given in respect of the offence.

The Members were impressed with CAB as he had really moved on and wanted to improve himself.

The Members considered the Council's policy and noted that in respect of offences relating to drugs an application will normally be refused where the conviction is less than 5 years from the date of the application. The date of the conviction was 21/09/2006.

Members noted that CAB has been working for over a year as a taxi controller and is highly thought of by his employer. However Members did not consider that they had been presented with enough evidence to convince them that CAB was a fit and proper person to hold a Private Hire Driver's License and that they should set aside their policy in his case. They therefore refused his application.

Chair's Signature

BRISTOL CITY COUNCIL

**MINUTES OF A MEETING OF THE
PUBLIC SAFETY AND PROTECTION SUB-COMMITTEE B
HELD ON 27th JULY 2010 AT 10.00 A.M**

PSP 43.7/10

Agenda item no: 7

Agenda title:

APPLICATION FOR THE GRANT OF A PRIVATE HIRE DRIVER'S LICENCE FROM AN APPLICANT WHO SEEKS A DEPARTURE FROM POLICY BY NOT MEETING THE REQUIREMENT TO PASS THE BRISTOL KNOWLEDGE TEST – APPLICANT RS

Decision

The applicant's request that the Members depart from their policy and waive the requirement that RS must pass the Knowledge test be refused.

Reasons for Decision

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

They noted the plans that RS has to only work 3 to 4 days per week doing corporate journeys, not the usual taxi driving work involving journeys to all sorts of places including pubs, clubs and restaurants, and his plans to become an operator.

However they did not consider that he had provided enough evidence to persuade them to set aside their Policy.

Members of the 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 in that they are, amongst other things, safe drivers with good driving records and honest.

They considered that RS should pass the Knowledge Test and they therefore refused RS's request that the requirement that be pass the Knowledge test be waived.

Chair's Signature

BRISTOL CITY COUNCIL

**MINUTES OF A MEETING OF THE
PUBLIC SAFETY AND PROTECTION SUB-COMMITTEE B
HELD ON 27th JULY 2010 AT 10.00 A.M**

PSP 44.7/10

Agenda item no: 8

Agenda title:

**COMPLAINT OF OFFENDING CONDUCT – HOLDER OF HACKNEY
CARRIAGE DRIVER'S LICENCE - AS**

Findings of Fact

A mobile 'phone was left in the back of the taxi owned by AS on 4th November 2009. The mobile 'phone was subsequently found in the possession of AS's son at his school on 7th May 2010.

Decision

That no action be taken.

Reasons for Decision

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

The Members noted that AS's father had been ill and subsequently died during the time in question.

Members accepted AS's version of events - that he had taken the 'phone home with the intention of returning to its owner or handing it in.

Members therefore decided that no action should be taken.

Chair's Signature