

AGENDA ITEM NO.

BRISTOL CITY COUNCIL

**MINUTES OF A MEETING OF THE PUBLIC SAFETY
AND PROTECTION SUB-COMMITTEE B
HELD ON 25TH JANUARY 2011 AT 10.00 A.M.**

P Councillor Chris Davies (part)
P Councillor Alf Havvock
A Councillor Jeff Lovell
A Councillor David Morris
P Councillor Guy Poultney (in the Chair)

PSP

154.1/11 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies were received from Councillors Lovell and Morris.

PSP

155.1/11 DECLARATIONS OF INTEREST

There were no further declarations of interest.

PSP

156.1/11 PUBLIC FORUM

Nothing was received.

PSP

**157.1/11 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

158.1/11 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

159.1/11 HOLDER OF A PRIVATE HIRE DRIVER'S LICENCE RECENT CONVICTION - PG

(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 recent court conviction.

PG was in attendance.

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

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

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

- He apologised for the incident
- He had picked up a female passenger who was late for work
- To try to get her to work as quickly as possible he had overtaken a few cars; he did not consider that anyone was put in danger because of his driving
- He had been stopped by the Police, although he had not seen the Police car until its lights and siren were switched on
- He thought that the Police had been harsh in charging him

with Driving without Due Care and Attention

- He did not accept the Police version that he had overtaken 20 cars and that his female passenger had complained about his driving, although he did concede the potential danger to the cyclist
- He conceded that he had been annoyed when he was stopped by the Police, but had learnt his lesson and would not do anything like it again
- 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 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 PG be suspended for 6 months.

PSP

160.1/11

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

(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 an application for the grant of a Private Hire Driver's Licence.

FO was in attendance.

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

The Licensing Officer introduced the report and summarised it for everyone. She advised that the DVLA License had been restored on 21st January 2010.

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

- Since the conviction he had moved to Bristol to look for work
- He wanted to work as a taxi driver
- It was now over two years since the offence and he has successfully completed a medical
- He no longer drinks alcohol or smokes
- The day before the offence he had been celebrating his birthday and consumed alcohol
- He had collided with another vehicle whilst Police Officer had been clearing the road as a result of a previous accident
- He had lowered the window of his car, the Police had then suspected him of drinking alcohol and breathalysed him
- Since the incident he had separated from his wife and children
- 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 the application for a Private Hire Driver's License by FO be refused as he has not convinced the Council he is a fit and proper person to hold such a license.

PSP

161.1/11

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

(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 an application for

the grant of a Private Hire Driver's Licence.

DC was in attendance.

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

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

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

- The offences summarised in the report relate to an incident of Dangerous Driving and not keeping Probation appointments on two occasions resulting in a prison sentence
- The Dangerous Driving Offence relates to an incident at Temple Meads when he reversed into an individual and drove off
- He had missed the Probation appointments because he was not working and did not have any money to pay the bus fare to get to the appointments; he also owed the courts money
- He had missed the appointment for the fitting of the electronic tag because they had called at 11.00 pm
- During 2006/2007 he had been receiving treatment from a psychiatrist
- Referring to the Dangerous Driver incident he had been involved in a violent incident with the another taxis driver, who is of Pakistani origin at Temple Mead Taxis Station when he was a Taxis Driver, on a previous occasion; he was a taxi driver at the time of the previous occasion; he cannot recall why he was at Temple Meads on 13th April 2006; he denied that there was a connection between the two incidents
- He summed up his case

The Representative of the Service Director, Legal Services advised the Committee on its Policy.

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 application for a Private Hire Driver's License by DC be refused as he has not convinced the Council he is a fit and proper person to hold such a license.

PSP

162.1/11

HACKNEY CARRIAGE DRIVER RECENT POLICE CAUTION - JT

(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 whether any action is required as a result of a Police caution.

JT was in attendance.

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

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

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

- The plants had been discovered by the Police as a result of a helicopter flying overhead
- He had been growing the plants in a bedroom using a "DIY" system; only 4 had germinated out of 12 and the equipment was confiscated by the Police
- He had only been growing the plants for 4 weeks and had not had anything from them
- He started smoking cannabis to ease his back pain; he only used it after he had finished work and never drove after he had taken it; he had only used cannabis for about 8 weeks

- He now takes pain killers and is willing to take drug tests to prove that he no longer takes cannabis
- He lives with his wife and children
- 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 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 Hackney Carriage Driver's License held by JT be suspended for 2 weeks.

PSP

163.1/11

APPLICATION FOR THE GRANT OF A PRIVATE HIRE DRIVER'S LICENCE - APPLICANT MA

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

(Councillor Davies was not present for this item.)

The sub-committee considered an exempt report of the Director of Neighbourhoods (agenda item no. 10) considering an application for the grant of a Private Hire Driver's Licence.

MA was in attendance.

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

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

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

- He drew Members attention to the written statement included with the papers for the Meeting

- Although he was convicted of fraud he has now rehabilitated himself and works in the financial sector again
- In relation to the False imprisonment Offence - the person involved was his then partner; he had prevented her from leaving the building for only a short time a few minutes; her friend had called the Police; she had included a lot of other allegations against him in her statement; the relationship had started well but had deteriorated and he was no longer with her; he had never been violent towards her
- He wants to leave his present job as it has no future; he has previously done driving jobs and enjoys driving; he has also been helping his friend with his HR Recruitment Company
- 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 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 MA be refused as he has not convinced the Council he is a fit and proper person to hold such a license.

PSP

164.1/11

PRIVATE HIRE POLICE CAUTION - 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. 11) considering whether any action is required as a result of a Police caution.

AA was in attendance accompanied by his solicitor, an interpreter and a representative of the Bristol Bangladesh Association.

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

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

His solicitor then put the case for AA and answered questions highlighting the following:

- AA had transgressed when completing his form, but his written English is not good and his son had helped him complete it
- AA did not have legal representation at the Police Station and not realise the implications of accepting a Police Caution
- The Committee has to decide whether or not to take the Caution into account and if so whether it should affect his license

The Representative of the Service Director, Legal Services advised the Committee that Case Law had established that a Caution could be admitted if relevant.

There was a short adjournment for members to consider whether the caution should be admitted.

Members were unanimous that the caution should be admitted.

After the Chair advised everyone that the Caution would be admitted AA's solicitor then continued to make representations on behalf of AA and answered questions highlighting the following:

- AA is 54 years old and is married with 6 children
- AA has never been in any trouble
- AA's representative explained the circumstance around the incident that happened over 12 months ago, which led to the caution. The dispute has not yet been resolved
- The letter submitted by AA describes the circumstances of the incident
- The police considered a Caution to be appropriate
- The offence is low level and was not in any way connected with his work as a taxi driver

The Representative of the Bristol Bangladesh Association then made a statement in support of AA; he had known him for 8 years, he is well respected in the Bangladesh Community and does community work.

His solicitor then summed up the case for AA.

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 6.

RESOLVED - that no action be taken.

INFORMATION ITEM

PSP

165.1/11 DATE OF NEXT MEETING

**RESOLVED - that the next meeting will be held on Tuesday
1st March 2011 at 10.00 a.m.**

(The meeting ended at 4.00 pm.)

CHAIR

BRISTOL CITY COUNCIL

**MINUTES OF A MEETING OF THE
PUBLIC SAFETY AND PROTECTION SUB-COMMITTEE B
HELD ON 25th JANUARY 2011**

PSP

159.1/11

Agenda item no: 6

Agenda title:

**HOLDER OF A PRIVATE HIRE DRIVER'S LICENCE RECENT
CONVICTION - PG**

Findings of Fact

PG found guilty by Northavon Magistrates Court of Driving Without Due Care and Attention. Fined £350, 5 penalty points, £85 costs and £15 victim surcharge.

Decision

That the Private Hire Driver's License held by PG be suspended for 6 months pursuant to Section 61(1)(b) any other reasonable cause..

Reasons for Decision

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

Members considered that the offence committed by PG was serious. They believed that it raised concerns about his attitude towards the safety of the public - both his passengers and other road users.

The Members 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 to whom it licensed. The Council has a duty to ensure as far as possible that those licensed to drive private hire vehicles are suitable persons in that they are safe drivers with good driving records and adequate experience. Members carefully considered the representations made by the PG but decided not to exercise their discretion and depart from the Council's policy. The Council's policy provides guidelines relating to the relevance of criminal behaviour provides that an isolated conviction without disqualification for an offence such as driving without due care and attention will require careful consideration of the facts. Members considered that the policy guidelines provided that they were entitled to at the very least give PG a warning and at the most suspend his licence for up to six months.

Members noted that PG had a clean driving record and had been a licensed driver since June 1993. PG had not presented any exceptional circumstances for the Members to depart from the

Council's policy.

The Members considered that they had reasonable cause to suspend the license held by PG for a period of 6 months.

Chair's Signature

BRISTOL CITY Council

**MINUTES OF A MEETING OF THE
PUBLIC SAFETY AND PROTECTION SUB-COMMITTEE B
HELD ON 25th JANUARY 2011**

PSP

160.1/11

Agenda item no: 7

Agenda title:

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

Findings of Fact

FO was convicted by Enfield Magistrates Court on 21 October 2008 for Driving a Motor Vehicle with Excess Alcohol and disqualified for 20 months which was reduced to 15 months on completion of a specified course and fined £200 and costs of £70.

Decision

That the application for a Private Hire Driver's License by FO be refused as the Members were not satisfied that he is a fit and proper person to hold such a license pursuant to Section 51(1)(a).

Reasons for Decision

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

The overriding consideration is the safety of the public. The Council should ensure so far as possible that those licensed to drive are suitable persons in that they are safe drivers with good driving records and adequate experience, sober, courteous, mentally and physically fit.

Members of the public entrust themselves to the care of drivers both for their own safety and for fair dealings. The Council is entitled to expect high standards of conduct from those whom it has licensed.

The policy provides that where a driver has been disqualified a serious view will be taken of convictions by someone who is under the influence of drink and in charge of a vehicle. The policy is clear that where a disqualification has occurred as a result of a drink driving offence, at least 5 years free from conviction should elapse after the restoration of the DVLA licence before an Applicant is granted a licence. It was noted by Members that the DVLA licence was restored on 21 January 2010.

Members considered that it was too soon for FO to seek a licence from this Council given its policy. Members were also mindful of their discretion but decided not to set aside its policy given that FO provided

no mitigating circumstances. He had clearly been drinking celebrating his birthday the night before and of his own admission confirmed to Members that he went asleep the following day at 6.00 a.m.

The Members carefully considered the representations made by the Applicant but decided not to exercise their discretion and depart from the Council's policy.

Members therefore decided to refuse the application.

Chair's Signature

BRISTOL CITY Council**MINUTES OF A MEETING OF THE
PUBLIC SAFETY AND PROTECTION SUB-COMMITTEE B
HELD ON 25th JANUARY 2011****PSP****161.1/11****Agenda item no: 8****Agenda title:****APPLICATION FOR THE GRANT OF A PRIVATE HIRE DRIVER'S
LICENCE - DC****Findings of Fact**

DC was convicted of Dangerous Driving by Bristol Crown Court on 3rd January 2008. 26 weeks imprisonment suspended for two years, disqualified from driving for two years and required to take an extended test. Supervision Order 24 months. Not to enter Temple Meads Station Taxi Rank.

DC was convicted of Breach of Suspended Sentence on 16 April 2008, curfew requirement, electronic tag three months.

DC was convicted of Breach of Suspended Sentence on 20 May 2008 this was as a result of the Breach of Suspended Sentence offence dated 16 April 2008 where DC was sent to prison for 26 weeks.

Decision

That the application for a Private Hire Driver's License by DC be refused pursuant to Section 51(1)(a) Local Government (Miscellaneous Provisions) Act 1976 as he has not satisfied the Council that he is 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 to do so in that they are, amongst other things, safe drivers with good driving records and honest.

The Licensing Committee considered the Applicant's previous licensing history and noted that his Hackney Carriage Driver's Licence was revoked on 5 January 2005 as a result of a complaint regarding the conduct of DC where the Committee held on a balance of probability that DC did reverse his car into a person who had thrown the missile and had driven in a dangerous manner. The Committee were no

longer satisfied that DC was a fit and proper person to hold a Hackney Carriage Driver's Licence. The licence was therefore revoked.

On 19 December 2006, DC submitted an application for a Hackney Carriage Driver's Licence and this application was considered by the Sub-Committee. Members noted that the application was in fact for a Private Hire Driver's Licence and not a Hackney Carriage Driver's Licence. It was noted that he had unsuccessfully appealed the decision of 5 January 2005 to both the Magistrates Court and the Crown Court.

Following the Committee's decision of 5 January 2005, DC, had on several occasions, made contact with staff of the Licensing Office and had behaved towards them in a abusive and threatening manner.

DC had also made contact with Councillor Stone, the Chair of the Committee in January 2005 and Councillor Stone's wife, and had behaved towards them in an inappropriate manner. On 3 June 2005 he was found guilty of failing to conduct himself in a proper manner contrary to Bristol City Council bylaws and fined £100 and failing to present his vehicle and taxi meter for examination and fined £500.

Members also found on balance of probabilities, that DC had on 2 November 2006, made a racist comment to the Licensing Officer.

In the circumstances Members decided to refuse to grant an application for a Private Hire Driver's Licence on 19 December 2006 as they were not satisfied that DC was a fit and proper person to hold such a licence.

Members were concerned that when asked about the circumstances surrounding the dangerous driving conviction DC was evasive about the circumstances of this offence.

It was clear to Members that DC did not wish to explain the circumstances surrounding the offence for dangerous driving, nevertheless the Members continued to seek clarification from DC and it eventually became apparent that it was not simply an accident as initially described by DC but in fact he had reversed into an individual with whom he had previously been involved in a fight at the taxi rank at Temple Meads hence the reason why he was banned from entering Temple Meads Station Taxi Rank. Members were also concerned that when they asked DC what he was doing at the station he said he could not remember. This alarmed Members to no end as it appeared to them that DC had driven to Temple Meads Train Station with the intention of committing an offence.

During questioning by Members DC indicated that he was receiving treatment from a Psychiatrist but did not amplify any diagnosis or prognosis.

DC said that Members had already made their minds up and that he just needed them to make a decision so that he could appeal to the Bristol Magistrates Court.

Members reiterated to DC that they needed to be fully aware of all the facts in order to assess whether he is a fit and proper person to hold a Private Hire Driver's Licence.

The Members applying the Council's policy in respect of dangerous driving noted that the disqualification period would have ended some time in 2010 and that he would have to wait a further two years from the restoration of his licence. It was understood from DC that this licence was restored in August 2010 and that he had taken a retest seven months ago. Nevertheless, the policy was clear that Members expected such persons to wait two years from the restoration of their licence.

Members were mindful of their discretion to set aside the policy in exceptional circumstances. However there were no mitigating circumstances in this case. Members were very concerned that DC was evasive about the circumstances of his conviction for dangerous driving in 2008 and considered him to be a violent person. Members did not consider that on balance he was a fit and proper person to hold a Private Hire Driver's Licence. Members therefore decided to refuse the application.

Chair's Signature

BRISTOL CITY COUNCIL

**MINUTES OF A MEETING OF THE
PUBLIC SAFETY AND PROTECTION SUB-COMMITTEE B
HELD ON 25th JANUARY 2011**

PSP

162.1/11

Agenda item no: 9

Agenda title:

HACKNEY CARRIAGE DRIVER RECENT POLICE CAUTION - JT

Findings of Fact

JT received a Police Caution for Producing a Controlled Drug (Cannabis).

Decision

That the Hackney Carriage Driver's License held by JT be suspended for 2 weeks pursuant to Section 61(1)(b) any other reasonable cause.

Reasons for Decision

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

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 are suitable persons to do so in that they are, amongst other things, safe drivers with good driving records and honest.

Although it was an isolated offence this did not mean that the Members could ignore the caution that JT received. There were no mitigating circumstances surrounding the offence. Members considered the policy in addition to the nature, quantity and class of drugs and decided to suspend the license for a two-week period.

Chair's Signature

BRISTOL CITY COUNCIL

**MINUTES OF A MEETING OF THE
PUBLIC SAFETY AND PROTECTION SUB-COMMITTEE B
HELD ON 25th JANUARY 2011**

PSP

163.1/11

Agenda item no: 10

Agenda title:

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

Findings of Fact

MA was found guilty by Bristol Crown Court of Conspiracy to Defraud on 11.02.02, False Imprisonment 04.2009

Failure to Comply with the Community requirements of a Suspended Sentence on 23.08.10.

Decision

That the application for a Private Hire Driver's License by MA be refused as he has not convinced the Council he is a fit and proper person to hold such a licence pursuant to Section 51(1)(a) Local Government (Miscellaneous Provisions) Act 1976.

Reasons for Decision

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

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 are suitable persons to do so in that they are, amongst other things, safe drivers with good driving records and honest.

Members considered their policy and noted that drivers who have close contact with the public, in general, a period of 5 to 10 years free of conviction for offences involving violence (depending on the nature and seriousness of the offence) will be required before an application is likely to be considered favourably. In this case conviction for violence was dated 16 September 2009. Members did not accept that MA was being truthful and in fact considered that he was being evasive regarding the false imprisonment conviction.

MA informed Members that he had only falsely imprisoned his ex partner for a few minutes and that she had exaggerated made additional allegations which were not true. Nevertheless, Members noted that MA was tried at the Bristol Crown Court and was given quite a heavy sentence therefore Members did not believe MA and considered that he was being evasive with the truth. Members noted their policy and considered that they expected an Applicant to be free of conviction 5 years preceding the date of the application. Members considered that it was too soon for the Applicant to seek a Driver's Licence given that he was only convicted in September 2009.

Chair's Signature

BRISTOL CITY COUNCIL

MINUTES OF A MEETING OF THE
PUBLIC SAFETY AND PROTECTION SUB-COMMITTEE B
HELD ON 25th JANUARY 2011**PSP**

164.1/11

Agenda item no: 11

Agenda title:**PRIVATE HIRE POLICE CAUTION - AA****Findings of Fact**

AA received a Police Caution for Battery on 28.12.09.

Decision

That no action be taken.

Reasons for Decision

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

Members considered the circumstances of the incident and were satisfied that AA was not aware of his legal rights at the time he accepted the caution and was not legally represented and therefore accepted the caution without thinking about the consequences in relation to his private hire drivers license. Member took into account that AA had a clean drivers license and a previous unblemished record.

Members considered that this was not a case where the policy should be followed as there were clearly mitigating circumstances. Members were unanimous that it was reasonable to exercise their discretion and set aside the policy.

Members therefore decided to take no action against AA.

Chair's Signature