

BRISTOL CITY COUNCIL

**MINUTES OF A MEETING OF THE
PUBLIC SAFETY AND PROTECTION SUB-COMMITTEE A
HELD ON 1ST MARCH 2011 AT 10.00 A.M.**

P Councillor Muriel Cole
P Councillor Alf Havvock (for Cllr Leaman)
P Councillor Brenda Hugill (in the Chair)
P Councillor Jay Jethwa (part)
A Councillor Tim Leaman
P Councillor Guy Poultney

PSP

166.3/11 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies were received from Councillor Leaman, substitute Councillor Havvock.

PSP

167.3/11 DECLARATIONS OF INTEREST

Councillor Jethwa advised the Committee that she would be accompanying Adam Crabtree when he appears before the Committee would therefore be taking no part in Agenda item No 5 as a Member of the Committee.

PSP

168.3/11 PUBLIC FORUM

Nothing was received.

PSP

**169.3/11 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

170.3/11

APPLICATION FOR THE RENEWAL OF A PRIVATE HIRE VEHICLE LICENCE WHICH DOES NOT COMPLY WITH THE CURRENT COLOUR POLICIES – APPLICANT: ADAM CRABTREE

The Sub-Committee considered a report of the Director of Neighbourhoods (agenda item no. 5) relating to the application for the renewal of a private hire vehicle licence which does not comply with the current colour policies.

Adam Crabtree (AC) was in attendance, accompanied by his partner and Councillor Jethwa.

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

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

AC then presented his application and answered questions highlighting the following:

- He requested that the Committee made an exception in his case and departed from its Policy
- He bought the car in January 2008 and was unaware of the change in Policy preventing the use of any cars coloured blue being used as Private Hire Vehicles with effect from 1st May 2011
- He had taken out a four year loan in respect of the vehicle that he was unable to get out of. He had looked into getting loans elsewhere but without success
- He could not afford to change the car until the loan on it expired
- He had looked into getting it wrapped and the cheapest

quote he had received was £800 plus VAT. He had received a quote of around £2.5k for a re-spray but he simply did not have that sort of money available

- The car was a lighter shade than the Bristol Blue
- He was the only one who worked in his family and his partner was disabled. His family therefore relied upon him as the sole provider
- The loan he had taken out was a personal loan – not an HP loan. His loan was due to be paid off in March 2012 so he was only asking for a minor deviation from the policy to give him time to pay it off. He would change his car again as soon as the loan was paid
- He worked for South Bristol Cars. It was a relatively small company and they were unable to provide him with any financial assistance
- He has been a taxi driver for 15/16 years
- He changed his cars on a regular basis; every four years, so he always drove a mechanically sound car in good condition
- He was willing to accept a vehicle licence that was shorter than the standard one year licence
- He summed up his case

Councillor Jethwa made a statement on behalf of AC – that he was a very hard working, honest and reliable person; he was the only person working in his household; he was now aware of the Colour Policy but was not aware of it when he bought the car; he changed his cars regularly and wanted to comply with the Policy as soon as he could.

The Licensing Officer clarified that vehicle wraps are only being used on hackney carriage vehicles at present; advertising is only allowed on the rear passenger doors; some companies are reluctant to loan money for the purchase of taxis.

The Committee then inspected the car.

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 a Private Hire Vehicle Licence for Peugeot 407 Registration Number CK55 JVH be granted with an expiry date of 31st January 2012.

PSP

171.3/11

APPLICATION FOR THE GRANT OF A PRIVATE HIRE VEHICLE LICENCE WHICH DOES NOT COMPLY WITH THE CURRENT AGE AND COLOUR POLICIES – APPLICANT: ABDINASIR ABDI

The Sub-Committee considered a report of the Director of Neighbourhoods (agenda item no. 6) relating to the application for the renewal of a private hire vehicle licence which does not comply with the current age and colour policies.

Abdinasir Abdi (AA) was in attendance.

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

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

AA then presented his application and answered questions highlighting the following:

- The vehicle was off the road last June or July and he could not afford to have it repaired; it had several things wrong with it including the camshaft belt and the clutch
- At the time his father was receiving hospital treatment

- Since the car was off the road he has been hiring a vehicle from Yellow Cabs to work
- He was not aware of the Policy preventing the use of any cars coloured blue being used as Private Hire Vehicles with effect from 1st May 2011 when he bought the car in 2008
- He is a family man with financial commitments and cannot afford to buy another car
- He summed up his case

The Licensing Officer confirmed that this was a new application which fell outside the Age and Colour Policies.

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 the grant of a Private Hire Vehicle Licence for Ford Galaxy registration Number GY02 CXT be refused.

INFORMATION ITEM

PSP

172.3/11 DATE OF NEXT MEETING

RESOLVED - that the next meeting be held on Tuesday 29th March 2011 at 10.00 a.m. and is likely to be a meeting of Sub-Committee B.

(The meeting ended at 12.10 pm.)

CHAIR

BRISTOL CITY COUNCIL**MINUTES OF A MEETING OF THE
PUBLIC SAFETY AND PROTECTION SUB-COMMITTEE A
HELD ON 1ST MARCH 2011****PSP****170.3/11****Agenda item no: 5****Agenda title:****APPLICATION FOR THE RENEWAL OF A PRIVATE HIRE VEHICLE
LICENCE WHICH DOES NOT COMPLY WITH THE CURRENT
COLOUR POLICIES.
APPLICANT-ADAM CRABTREE****Decision**

That a Private Hire Vehicle Licence for Peugeot 407 Registration Number CK55 JVH be granted with an expiry date of 31st January 2012.

Reasons for Decision

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

The Committee had a great deal of sympathy for AC as he had been caught up in an unfortunate situation due to the timing of him purchasing the vehicle and the colour policy being brought in, which he was genuinely unaware of. Although the Members were mindful that in accordance with relevant case law, they were not required to take into account the financial and personal circumstances of an applicant, they were of the view that, on its own merits, a minor departure from the policy could be justified in this particular case. AC was tied in with a four year loan which was due to be paid off in March 2012, although he had indicated that he might be able to trade the vehicle in a couple of months sooner than this. The Committee therefore decided that the vehicle could be licensed until the end of January 2012 without undermining the purpose behind the policy. As no private hire vehicles that are blue in colour can generally be licensed under the policy with effect from 1st May 2011, this represented only a minor departure from the policy. AC would have to either arrange for the vehicle to be re-sprayed or change it after that date. Upon inspection of the vehicle Members also noted that because the car was not wheelchair accessible it would not be mistaken for a Hackney Carriage Vehicle. Given the rather unusual circumstances of this particular case

Members decided to grant a Private Hire Vehicle Licence for Peugeot 407 Registration Number CK55 JVH but for a limited period only until 31st January 2012.

Chair's Signature

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171.3/11

Agenda item no: 6

Agenda title:**APPLICATION FOR THE GRANT OF A PRIVATE HIRE VEHICLE
LICENCE WHICH DOES NOT COMPLY WITH THE CURRENT AGE
AND COLOUR POLICIES.
APPLICANT-ABDINASIR ABDI****Decision**

That the application for the grant of a Private Hire Vehicle Licence for Ford Galaxy registration Number GY02 CXT be refused.

Reasons for Decision

Members considered very carefully all of the written and verbal evidence presented to them. The problem with this application was that the vehicle was not only the wrong colour but it was nine years old with high mileage. The mechanical condition of the car was therefore a serious consideration. This was very different from the previous case in that even though AA's vehicle had been off the road for a number of months, this had not prevented him from working as a private hire driver and earning a living. There was no reason why he could not continue to rent a licensed vehicle from his taxi company. In the particular circumstances of this case, the Members were not satisfied that AA had presented to them any evidence to justify a departure from the policy without undermining it or the reasons that underlie it. The application was therefore refused.

Chair's Signature