

BRISTOL CITY COUNCIL

MINUTES OF A MEETING OF THE
PUBLIC SAFETY AND PROTECTION SUB-COMMITTEE B
HELD ON 5TH JULY 2011 AT 10.00 A.M.

- P Councillor Christopher Davies (part)
- P Councillor Fi Hance (for Cllr Leaman) (part)
- A Councillor Mike Langley
- A Councillor Tim Leaman
- P Councillor David Morris
- A Councillor Ron Stone (for Cllr Langley) (part)

PSP

26.7/11

ELECTION OF CHAIR AND VICE-CHAIR

RESOLVED - that Councillor Morris be elected Chair and Councillor Davies be elected Vice-Chair of the Public Safety and Protection Sub-Committee B for the 2011/12 Municipal Year.

PSP

27.7/11

APOLOGIES FOR ABSENCE AND SUBSTITUTIONS AND DECLARATIONS OF INTEREST

Apologies were received from Councillor Langley, substitute Councillor Stone; and Councillor Leaman, substitute Councillor Hance.

PSP

28.7/11

SUB-COMMITTEE TERMS OF REFERENCE

RESOLVED - that the Terms of Reference, as agreed at the Annual Meeting of the Public Safety and Protection Committee held on 7th June 2011, be noted.

PSP

29.7/11

PUBLIC FORUM

Nothing was received.

PSP

30.7/11 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

31.7/11 EXCLUSION OF PRESS AND PUBLIC

RESOLVED - that the 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

32.7/11 APPLICATION FOR THE GRANT OF A PRIVATE HIRE DRIVER'S LICENCE - APPLICANT MYF

(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.

MYF was in attendance accompanied by a private hire driver colleague and two other friends.

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

The Licensing Officer introduced the report and summarised it for everyone. She added that MYF has yet to pass the other parts of the fit and proper person test.

MYF then made his case and answered questions highlighting the following:

- He tabled a character reference a copy of which is contained in the Minute Book
- He considers himself a good driver, is trustworthy and has never had any other problems
- The incident relates to an on going problem with his brother
- His brother had come to his house, they had argued and he had driven the van about 100 metres to avoid it being damaged by his brother; the van is company van used by a colleague who parked it on his (MYF's) drive because there is no off street parking at his house
- In relation to the false information entered on his application form, he had not known he had known that he had to disclose the conviction and had been advised by the Licensing Office on how to complete the form
- His brother had reported him driving the van to the Police and he had attended the Police Station the following day and admitted the offence
- The on going dispute with his brother relates to his trying to force their sister into an arranged marriage against her will; the sister lives with MYF
- He summed up his case.

The Representative of the Service Director, Legal Services provided Members with policy advice.

All parties and the representatives of the Director of Neighbourhoods and City Development 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 and City Development returned to the room to the decision of the Committee.

RESOLVED - (i) that notwithstanding the existence of the conviction for driving whilst disqualified MYF shall be considered as a fit and proper person subject to passing the other aspects of the fit

and proper person test such as the DSA test, a Medical Examination and the Knowledge Test; and

(ii) that the Licensing Manager or his Deputy be authorised to determine the application once MYF has passed all the relevant tests

PSP

33.7/11

APPLICATION FOR THE GRANT OF A PRIVATE HIRE VEHICLE LICENCE - APPLICANT AA

(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 to allow an application for a vehicle to be licensed outside of the policy governing Private Hire Vehicles.

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 made his representations and answered questions highlighting the following:

- He had been using his brother's car but it was very unreliable, had continual problems and therefore cost a lot to maintain
- He bought the car he now has not knowing it was outside the Policy - he thought the Policy specified 3 years; he now cannot afford to replace the car
- He summed up his case

All parties and the representatives of the Director of Neighbourhoods and City Development 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 and City Development returned to the room to hear the decision of the Committee.

RESOLVED - that the application by AA for a Private Hire Vehicle License be refused.

**PSP
34.7/11**

REPORT OF THE DISQUALIFICATION OF A HACKNEY CARRIAGE DRIVER'S DVLA LICENCE - ZUQ

(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. 9) considering whether any action is required as a result of a court conviction since the grant of a Hackney Carriage Driver's Licence.

ZUQ 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.

ZUQ put his case and answered questions highlighting the following points:

- He had disclosed the issue to the Licensing Office when he applied for the his license; he was granted a license until 2012
- His solicitor had advised him that he may not be convicted of the offence because of the mitigating circumstances
- He had been on an evening out with his wife who has several medical problems when she had a panic attack; he had decided to drive her home to get her medication rather than take her to hospital; he did not think that he was over the drink and drive limit
- He is attending a course and hopes to have his DVLA License restored in December 2011

- He summed up his case

All parties and the representatives of the Director of Neighbourhoods and City Development 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 and City Development returned to the room to hear the decision of the Committee.

RESOLVED - that the Hackney Carriage Driver's License held by ZUQ be revoked.

PSP

35.7/11

APPLICATION OR THE GRANT OF A PRIVATE HIRE DRIVER'S LICENCE - APPLICANT ASS

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

ASS was not in attendance.

It was therefore

RESOLVED - that consideration of the application by ASS for a Private Hire Driver's License be deferred until a future Meeting of the Committee.

PSP

36.7/11

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

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

FJ 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.

FJ put his case and answered questions highlighting the following:

- He drew Members attention to his letter at Appendix B
- He made a mistake which is costing him dearly
- He was advised by another taxi driver to not divulge the conviction on his application form as it would “disappear” from his record
- He was growing 6 cannabis plants in his bedroom
- The Police had been alerted by a neighbour who smelt the cannabis when the window was open; his family are very disappointed in him - they did not know about the cannabis
- He summed up his case

All parties and the representatives of the Director of Neighbourhoods and City Development 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 and City Development returned to the room to hear the decision of the Committee.

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

**PSP
37.7/11**

APPLICATION FOR THE GRANT OF A PRIVATE HIRE DRIVER’S LICENCE - APPLICANT HMC

(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. 12) considering an application for the grant of a Private Hire Driver’s Licence.

HMC 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. She added that HMC has passed the other parts of the fit and proper person test.

HMC put his case and answered questions highlighting the following:

- He had not disclosed his convictions on his application form because he thought that the question only related to driving offences
- He is working part time as a waiter and is paying back the money he obtained dishonestly
- The offences related to Housing Benefit being continued to be paid to his landlord after he left the property
- He has bought a house and is very sorry for what he did; he wants to work on not rely on benefits
- He summed up his case

All parties and the representatives of the Director of Neighbourhoods and City Development 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 and City Development returned to the room to hear the decision of the Committee.

RESOLVED - that the application by HMC for a Private Hire Driver's License be granted.

(Councillors Davies and Hance left the Meeting after this item; Councillor Stone joined the Meeting.)

**PSP
38.7/11**

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

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

JH 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.

JH put his case and answered questions highlighting the following:

- He drew Members attention to his letter of explanation at Appendix B
- He is now a fitness trainer and has regular contact with the public
- He only gave up his taxi license previously because he met his ex partner
- He was legally represented in court and although his ex partner withdrew her complaint against him, the Police pursued the case and he was convicted
- His references are from his uncle and two other people who have known him a long time
- He is completing the IDAP Course
- He has two daughters for whom he pays maintenance
- He summed up his case

All parties and the representatives of the Director of Neighbourhoods and City Development left the room.

Details of the Committee's findings and reasons for the decision are set out in Appendix 6.

All parties and the representatives of the Director of Neighbourhoods and City Development returned to the room to hear the decision of the Committee.

RESOLVED - (i) that notwithstanding the existence of the convictions for the offences of Battery JH shall be considered as a fit and proper person subject to passing the other aspects of the fit and proper person test such as the DSA test, a Medical Examination and the Knowledge Test; and

(ii) that the Licensing Manager or his Deputy be authorised to determine the application once JH has passed all the relevant tests

PSP

39.7/11

DATE OF NEXT MEETING

RESOLVED - that the next meeting will be held on Tuesday 26th July 2011 at 10.00 a.m. and is likely to be a Meeting of Sub-Committee A.

(The meeting ended at 3.15 pm.)

CHAIR

BRISTOL CITY COUNCIL**MINUTES OF MEETING
OF THE PUBLIC SAFETY AND PROTECTION
SUB-COMMITTEE B
HELD ON 5th JULY 2011 AT 10.00 A.M.****PSP 37.7/11****Agenda Item No: 7****Agenda title****APPLICATION FOR THE GRANT OF A PRIVATE HIRE DRIVER'S LICENSE - MYF****Finding of Facts**

On 13th March 2008 MYF was convicted of Using a Vehicle Without Insurance and Driving Whilst Disqualified. He had been disqualified for 6 months following totting up of points.

Decision

That MYF should not be considered as fit and proper person notwithstanding the conviction for driving whilst disqualified and that the Licensing Manager or his Deputy be authorised to determine the application once MYF has passed all the others tests that form part of the fit and proper person tests such as DSA, medical and knowledge tests.

Reasons for Decision

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

They noted that this was an isolated incident where MYF drove this vehicle for 100 yards to prevent damage to it from his brother who had appeared at MYF 's home to cause trouble. MYF explained to members that his brother had damaged the vehicle previously. Members also noted that MYF admitted the offence at the police station at the first opportunity. They also noted the time that had elapsed since the conviction and their Policy expectation.

They therefore decided that the conviction should not be a bar to MYF obtaining a private hire drivers license if he is able to compete the other parts of the fit and proper person test.

Chair's Signature

BRISTOL CITY COUNCIL**MINUTES OF MEETING
OF THE PUBLIC SAFETY AND PROTECTION
SUB-COMMITTEE B
HELD ON 5th JULY 2011 AT 10.00 A.M.****PSP 33.7/11****Agenda Item No: 8****Agenda title****APPLICATION FOR THE GRANT OF A PRIVATE HIRE VEHICLE LICENSE -
AA****Decision**

That the application pursuant to section 48(1)(a) Local Government (Miscellaneous Provisions) Act 1976 by AA for a Private Hire Vehicle License be refused.

Reasons for Decision

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

However they did not consider that they heard enough evidence to persuade them to set aside their Policy in this instance. The applicant had indicated that he did not know or misunderstood the age limit of a vehicle in the policy.

Members sympathised with the applicant but did not consider there were any exceptional circumstances presented to them justifying a departure from the policy.

Chair's Signature

BRISTOL CITY COUNCIL**MINUTES OF MEETING
OF THE PUBLIC SAFETY AND PROTECTION
SUB-COMMITTEE B
HELD ON 5th JULY 2011 AT 10.00 A.M.****PSP 34.7/11****Agenda Item No: 9****Agenda title****REPORT OF THE DISQUALIFICATION OF A HACKNEY CARRIAGE
DRIVER'S DVLA LICENCE - ZUQ****Finding of Facts**

On 16th March 2011 ZUQ was disqualified from driving for 12 months for a drink and driving offence.

Decision

Members were satisfied that they had reasonable cause to revoke the Hackney Carriage Driver's License held by ZUQ pursuant to section 61(1)(b) Local Government (Miscellaneous Provisions) Act 1976.

Reasons for Decision

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

They noted that ZUQ was no longer allowed to drive and they therefore decided to revoke his Hackney Carriage Driver's License. ZUQ explained the circumstances surrounding the offence and confirmed that he had already handed his badge to the licensing office.

Members considered the council policy which indicated that a serious view will be taken of convictions of driving or being in charge of a vehicle while under the influence of drink. Where a disqualification has occurred as a result of drink driving offence, at least 5 years free from conviction should elapse after restoration of the DVLA licence before an applicant is granted a licence.

Members considered that revocation of the licence was appropriate given the seriousness of the offence and indicated to ZUQ that if he wished to come back to apply for a licence he does not need to wait 5 years but would have to convince the members why they should depart from the policy and explain the circumstances surrounding the offence.

Chair's Signature

BRISTOL CITY COUNCIL**MINUTES OF MEETING
OF THE PUBLIC SAFETY AND PROTECTION
SUB-COMMITTEE B
HELD ON 5th JULY 2011 AT 10.00 A.M.****PSP 36.7/11****Agenda Item No: 11****Agenda title****APPLICATION FOR THE GRANT OF A PRIVATE HIRE DRIVER'S LICENCE -
APPLICANT FJ****Finding of Facts**

On 30th March 2009 FJ was found guilty of the production of Cannabis.

Decision

That the application by FJ for a Private Hire Driver's Licence be refused pursuant to section 51(1)(a) as he has not convinced the Members that he is a fit and proper person to hold such a licence.

Reasons for Decision

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

The Members considered their Policy and the offence committed by FJ. They also found that FJ had dishonestly completed his application form.

The council policy provides that an application will normally be refused where the applicant has a conviction for a drug related offence and the conviction is less than five years prior to the date of application. The policy provides that the nature, quantity and class of drugs will be taken into account. Each case will be considered on its own merit.

Members were also concerned about FJ completing the application dishonestly. He was not confused or misunderstood what he needed to state. Drivers of taxis are expected to be persons of trust and a serious view is taken of dishonest applicants.

The Members did not consider that they were provided with enough evidence to persuade them to set aside their Policy in this case and they therefore decided to refuse the application as they were satisfied that FJ is not a fit and proper person.

Chair's Signature

BRISTOL CITY COUNCIL**MINUTES OF MEETING
OF THE PUBLIC SAFETY AND PROTECTION
SUB-COMMITTEE B
HELD ON 5th JULY 2011 AT 10.00 A.M.****PSP 37.7/11****Agenda Item No: 12****Agenda title****APPLICATION FOR THE GRANT OF A PRIVATE HIRE DRIVER'S LICENCE -
APPLICANT HMC****Finding of Facts**

On 14th July 2008 HMC was found guilty of four offences of Failure to Notify Change of Circumstances under the Social Security Administration Act.

Decision

That the application by HMC for a Private Hire Driver's License be granted.

Reasons for Decision

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

They noted that HMC has tried to rehabilitate himself, works and provided a number of character references. They also noted that he has bought a house and has passed the other parts of the fit and proper test. Noting their Policy and the period of time that has elapsed since his convictions, they decided to set aside their Policy in this case and grant HMC a Private Hire Driver's License as they consider him to be a fit and proper person to hold such a license.

Chair's Signature

BRISTOL CITY COUNCIL**MINUTES OF MEETING
OF THE PUBLIC SAFETY AND PROTECTION
SUB-COMMITTEE B
HELD ON 5th JULY 2011 AT 10.00 A.M.****PSP 38.7/11****Agenda Item No: 13****Agenda title****APPLICATION FOR THE GRANT OF A PRIVATE HIRE DRIVER'S LICENCE -
APPLICANT JH****Finding of Facts**

On 22nd April 2010 JH was found guilty of two offences of Battery.

Decision

That notwithstanding the existence of the convictions JH shall be considered as a fit and proper person subject to passing the other aspects of the fit and proper person test such as the DSA test, a Medical Examination and the Knowledge Test; and that the Licensing Manager or his Deputy be authorised to determine the application once JH has passed all the relevant tests.

Reasons for Decision

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

Members considered the circumstances surrounding the offences and accepted that JH has tried to rehabilitate himself working as a fitness trainer. Members were pleased to read that JH had admitted the offences on his application form and had been honest about the details of the offences.

Members agreed to depart from the policy given the circumstances surrounding the offences and grant JH a Private Hire Driver's Licence subject to him passing the other parts of the fit and proper person test.

Chair's Signature