

BRISTOL CITY COUNCIL

**MINUTES OF A MEETING OF THE
PUBLIC SAFETY AND PROTECTION SUB-COMMITTEE A
HELD ON 8TH NOVEMBER 2011 AT 10.00 A.M.**

P Councillor Fi Hance (part)
P Councillor Alf Havvock
P Councillor Brenda Hugill
P Councillor Jay Jethwa

PSP

94.11/11 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were no apologies.

PSP

95.11/11 DECLARATIONS OF INTEREST

No further apologies were received.

PSP

96.11/11 PUBLIC FORUM

Nothing was received.

PSP

**97.11/11 CONSIDERATION OF THE SUSPENSION OF COMMITTEE
PROCEDURE RULES (CMR 10 AND 11) RELATING TO THE
MOVING OF MOTIONS**

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

98.11/11 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

99.11/11 APPLICATION FOR THE GRANT OF A PRIVATE HIRE DRIVER'S LICENCE: IR

(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, contrary to Bristol City Council policy regarding the requirement to have successfully passed a knowledge test.


IR was in attendance.

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

IR tabled letters of support. A copy of the letters is contained in the Minute Book.

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

 He worked in sales for a number of years and had travelled around the country.

 He had lived in Bristol most of his life so was very familiar with the area. The majority of his clients were unlikely to be from Bristol

 He recently set up his company with a view to providing

executive chauffeuring for services such as weddings, corporate travel, visits to sporting events, transport to airports, etc; he has no intention of doing ordinary private hire work; his website makes no reference to private hire work

- ☞ All work will be pre-booked and he considers he has enough knowledge of Bristol to fulfil the services he will be offering
- ☞ He expects most of his work to be in the South West of England with some journeys to London; he has good knowledge of the South West of England and Wales from his days in sales
- ☞ He lives in Portishead, although his registered office is in Stoke Bishop
- ☞ He has done a lot of preparation work for the Knowledge Tests but has not managed to pass any of them. He had struggled with some of the routes but felt that realistically, he would not need to know many of the matters he had been tested upon for the type of work he intended to carry out
- ☞ He summed up his case stating that he is honest and trustworthy; has been involved in the Scout Movement for 30 years; only intends to do wedding work and corporate travel; and requested that the Committee make an exception to their Policy in his case

The Representative of the Service Director, Legal Services reminded Members of their Policy and how it must be applied consistently although each case must be treated on its merits. The Members were also reminded that the pass threshold of the Knowledge Test for Private Hire Drivers is lower than for Hackney Carriage Drivers. She advised Members that it would be very difficult to condition any licence they were minded to grant to restrict IR to the type of work he had described.

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 - that the application for the grant of a Private Hire Driver's Licence made by IR be refused.

PSP

**100.11/11 REPORT OF THE CONVICTION OF A PRIVATE HIRE DRIVER:
ZZ**

(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 whether any action is required as a result of a court conviction since the grant of a private hire driver's licence.

ZZ was in not attendance. The Licensing Officer advised Members that a request for a deferment had been received from ZZ. This was the second occasion upon which ZZ had requested a deferment. The matter had been deferred from a previous meeting of 11th October 2011 because ZZ wanted legal representation. The Members carefully considered the request for a second deferment but decided that it was in the public interest that such matters be dealt with expeditiously and consequently the item would be heard in ZZ's absence.

The Enforcement Officer introduced the report and summarised it for everyone. He advised Members that there are no other complaints against ZZ on the file.

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 the

decision of the Committee.

RESOLVED - that the Private Hire Driver's Licence held by ZZ be revoked on the following grounds:

- 1. Section 61(1)(a)(ii) of the Local Government (Miscellaneous Provisions) Act 1976 in that ZZ had been convicted of an offence under the Town Police Clauses Act 1847, and,**
- 2. Section 61(1)(b) of the Local Government (Miscellaneous Provisions) Act 1976, namely "any other reasonable cause"**

PSP

101.11/11 COMPLAINT OF OFFENDING CONDUCT HOLDER OF HACKNEY CARRIAGE DRIVER'S LICENCE - BM

(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 whether action is necessary in respect of the hackney carriage driver's licence held by BM.

BM was in attendance, accompanied by his solicitor JA.

Witness JB was also in attendance.

The Enforcement Officer introduced the report and summarised it for everyone. He advised Members that the re-created journey took longer than the original journey would have because of the time of the day and the traffic conditions. He confirmed that the meter was set at the correct tariff.

Witness JB then made a statement answered questions. She summarised her written statement. She confirmed that the number of the taxi plate she had noted was the correct one. She was very definite about this. She made a note of the plate number on her mobile phone as soon as she got out of the taxi. She always checked the plate number when taking a taxi as she used taxis a

lot. The lighting was good when she got out of the vehicle and took the plate number. She had not made a mistake when taking the number. She stated that BM looked as she expected him to.

BM tabled references. A copy of the references is contained in the Minute Book.

On behalf of BM JA then put his case and answered questions highlighting the following:

- ✎ He is sorry for the experience the women had suffered
- ✎ He does not recall the incident and did not make a pickup at the location on the night in question
- ✎ He has held a licence since 2004 and has a clean licence
- ✎ He held a Private Hire Licence before he became a Hackney Carriage Driver
- ✎ He takes his work very seriously and has been stressed by the complaint
- ✎ The references were obtained at very short notice
- ✎ He takes customer care very seriously and would have apologised had he done what the complainant alleges
- ✎ He always uses his meter and would not have demanded £15 for such a journey
- ✎ He thinks that there was a mistake made in the taxi plate that was noted - it was dark and raining which would have affected visibility, there was no reference to the driver's number or the registration number of the vehicle; the description of the driver is not very specific
- ✎ The complainant has no receipt and the CCTV does not identify anyone
- ✎ He has a wife and two children and any loss of his license

would have serious financial consequences for him

☞ He has no blemishes on his licence, is a fit and proper person and is aggrieved by the complaint

BM the answered questions highlighting the following:

☞ He wears his ID around his neck

☞ He works at weekends usually from 7.00/8.00 pm until 5.00 am

☞ He uses his meter to record his journeys; he also uses the car for private use

☞ He had not attended the second interview because he was not a member of the union and could not afford to pay for legal advice

JA summed up the case for BM.

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 the decision of the Committee.

RESOLVED -

- (i) that, on the balance of probabilities, Members found the version of events put forward by the complainant more credible than the version put forward by BM. The complaint was therefore upheld; and**
- (ii) that the Hackney Carriage Driver's Licence held by BM be suspended for a period of one month on the ground contained in section 61(1)(b) of the Local Government (Miscellaneous Provisions) Act 1976 namely**

“any other reasonable cause”.

PSP

102.11/11 REPORT OF THE CONVICTION OF A PRIVATE HIRE DRIVER'S LICENCE - DN

(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 court conviction since the grant of a private hire driver's licence.

DN was in attendance, accompanied by a director of Streamline Taxis.

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

DN tabled a letter from the Probation Service then made representations and answered questions highlighting the following:

☞ He drew Members attention to his written statement

☞ The incident happened on the day of a family meal

☞ His son had been behaving badly so he had left because of his behaviour

☞ He later reconsidered and returned

☞ He had been speaking to his partner when he was attacked by LE and defended himself; (he has history of another violent incident with LE)

☞ After the incident he went outside the house and was arrested shortly afterwards; LE had suffered facial injuries

☞ He regretted the incident

☞ He has been a taxi driver for 28 years - 11 years as a private

hire driver and 17 years as a hackney carriage driver - without any other incidents

- ✎ LE is his partner's mother's partner
- ✎ His partner has left him since the incident and he has not had much contact with his children; his life is in turmoil
- ✎ He had unknowingly hit his partner's mother when she was behind him - he was not aware of her being behind him and had struck her accidentally
- ✎ He has known LE through the taxi trade and also by LE being his partner's mother's partner; LE is an aggressive man
- ✎ He also had tensions with his partner's mother concerning her being at his house most evenings
- ✎ He gets up at 5.30 am each morning for work

The Streamline Taxis Director spoke on behalf of DN - he is an exemplary driver; his company has a very good reputation and its drivers are carefully vetted; the incident had nothing to do with taxi work of DN.

DN summed up his case.

The Representative of the Service Director, Legal Services reminded Members of their Policy. She also explained the legal situation concerning the accidental hitting of another person who comes between two people engaged in a fight - it is still deemed assault.

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 the

decision of the Committee.

RESOLVED - that the Private Hire Driver's Licence held by DN be revoked on the ground contained in section 61(1)(a)(i) of the Local Government (Miscellaneous Provisions) Act 1976 in that he had been convicted of an offence involving violence.

PSP

103.11/11 APPLICATION FOR THE GRANT OF A PRIVATE HIRE DRIVER'S LICENCE - AH

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

AH was not in attendance.

It was therefore

RESOLVED - that consideration of this case be deferred until a future meeting of the Committee.

PSP

104.11/11 APPLICATION FOR THE GRANT OF A PRIVATE HIRE DRIVER'S LICENCE - MEC

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

MEC was in attendance.

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

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

- 📁 He attended the Committee in December 2010
- 📁 Although the incident happened and he did not deny it, he is not a criminally minded person
- 📁 He has been fifteen years in the UK and has had no other problems
- 📁 He was a Private Hire Driver in Bristol for three years and there were no complaints about him
- 📄 He could produce references if required
- 📁 Rotherham granted him a licence only one month after the conviction; it is now two years since the incident
- 📁 He was a college lecturer in Pakistan
- 📁 He would accept a trial licence of 3-4 months
- 📁 The incident did not involve any member of the public or passengers
- 📁 At the time of the incident he was living in Fishponds with three other colleagues
- 📁 There had been problems with Yellow Cabs and the owner had come to their house and beaten one of his colleagues; the Police were involved
- 📁 Later he was working when someone from Yellow Cabs drew alongside him and threatened him
- 📁 After the incident he went to a Police Station with his colleagues
- 📁 When they could get no attention he 'phoned 999 and was advised to obtain the registration number of the vehicle involved
- 📁 With his colleagues he went to Yellow Cabs to get the number. He did not want to go on his own. They went in a group for safety.

☞ After they had parked and got the number, the owner of Yellow Cabs and others came out and an argument ensued

☞ The owner closed the door of his office and made obscene gestures

☞ He kicked a door panel; he used his foot to do so; it was not a revenge attack and he did not have an offensive weapon

☞ He was not carrying any weapons or items to break the door

☞ It was not pre-planned. The Police had sent them to get the registration number of the vehicle

☞ 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 the decision of the Committee.

RESOLVED - that the application for a Private Hire Driver's Licence by MEC be refused on the ground contained in section 51 of the Local Government (Miscellaneous Provisions) Act 1976 as he had not satisfied the Council that he was a fit and proper person to hold such a licence.

PSP

105.11/11 APPLICATION FOR THE GRANT OF A HACKNEY CARRIAGE DRIVER'S LICENCE - TK
(Exempt paragraph 3 - Information relating to a person's financial or business affairs)

(Councillor Hance left the Meeting during this Item and took no part in the decision making.)

The Sub-Committee considered an exempt report of the Director of Neighbourhoods (Agenda Item No. 12) seeking consideration of an application for the grant of a hackney carriage driver's licence.

TK was in attendance, accompanied by his solicitor GT.

GT submitted references on behalf of TK. A copy of the references are contained in the Minute Book.

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

TK then answered questions put to him by GT highlighting the following:

- ✂ He has been in the UK for 20 years
- ✂ He has held a DVLA Licence for 8 years
- ✂ He obtained a Private Hire driver's Licence 8 years ago
- ✂ He obtained a Hackney Carriage Driver's Licence 7 years ago
- ✂ He committed 5 offences
- ✂ The thefts related to wallets left in his taxi; he took the money out of them but did not use the cards; they were found in his flat
- ✂ The handling offences related to items found in his flat; they were bought from someone else
- ✂ He pleaded guilty in court
- ✂ He has committed no other offences
- ✂ He has been working as a delivery driver and collecting money
- ✂ He has no points on his DVLA Licence

📁 He is involved with his local mosque

📁 He has a wife and child

📁 He initially denied the offences to the Police, but then pleaded guilty in court

GT summed up the case for TK – Members need to assess the character of the driver; although he committed offences of dishonesty these were isolated incidents which took place over a short period of time and he has not committed any other offences since then; the Policy specifies 3 to 5 years and the offences took place 4 and a half years ago (although he was sentenced later); the handling offences did not relate to items taken from passengers in his taxi; the Policy allows people to become rehabilitated; he has since had 3 other jobs that involve delivery of items and collection of cash; he helps at his mosque; he is a family man; the Committee does have the power to set aside its Policy on individual cases.

The Representative of the Service Director, Legal Services advised Members about their Policy. She also advised Members that the Policy relates to the date of the convictions and not the date of the offences.

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 the decision of the Committee.

RESOLVED - that the application for a Hackney Carriage Driver's Licence by TK be refused on the ground contained in section 59 of the Local Government (Miscellaneous Provisions) Act 1976 in that he had not satisfied the Council

that he was a fit and proper person to hold such a licence.

PSP

106.11/11 APPLICATION FOR THE GRANT OF A PRIVATE HIRE DRIVER'S LICENCE - DKK

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

DKK was in attendance.

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

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

- The Committee had granted him a licence at their Meeting on 6th February 2007, although he had not followed through the application because of lack of time; he was then offered a job by City Link
- His old offences were committed nearly 20 years ago. The Committee were content to licence him in the knowledge that he had these convictions
- He was a Bristol City Football Club youth footballer
- After being released by the Football Club he became involved with the wrong crowd
- He spent four years in Dartmoor Prison and had an exemplary record whilst he was there
- With regard to the recent offence, he had worked for City Link for three to four years

- The offence concerned the fraudulent ordering/delivery of mobile phones
- He had not been involved in the crime but because of his criminal record was advised to plead guilty as he did not want to go back to prison; he no longer has any criminal involvement. He was the lowest in the chain of offenders
- He has children to support
- He has great difficulty getting a job because of his criminal record
- He has come across hard times along the way but was not criminally minded. He tried to be a responsible person
- He had not disclosed the latest offence on his application form as he had forgotten about it
- He summed up his case

The Representative of the Service Director, Legal Services advised Members of their policy - 3 to 5 years free from conviction concerning offences involving dishonesty.

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 7.

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

RESOLVED - that the application for a Private Hire Driver's Licence made by DKK be refused on the ground contained in section 51 of the Local Government (Miscellaneous Provisions) Act 1976 in that he had not satisfied the Council that he was a fit and proper person to hold

such a licence.

INFORMATION ITEM

PSP

107.11/11 DATE OF NEXT MEETING

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

(The meeting ended at 4.15 pm.)

CHAIR

BRISTOL CITY COUNCIL

**MINUTES OF MEETING
OF THE PUBLIC SAFETY AND PROTECTION
SUB-COMMITTEE A
HELD ON 8th NOVEMBER 2011 AT 10.00 AM.**

PSP 99.11/11

Agenda Item No. 6

Agenda title

**APPLICATION FOR THE GRANT OF A PRIVATE HIRE DRIVER'S LICENCE:
IR**

Finding of Facts

That although IR satisfied all other elements of the fit and proper person test; he had failed the Knowledge Test on four occasions. In consequence, the Members could not be satisfied that IR was a fit and proper person to hold a Private Hire Driver's Licence or that he should be treated as an exception to the Policy.

Decision

That the application for the grant of a Private Hire Driver's Licence made by IR be refused.

Reasons for Decision

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

Although Members had a great deal of sympathy for IR and noted that very good references had been provided in support of his application, it was noted that IR had failed the knowledge test by a considerable margin on several occasions. The pass mark for private hire driver's was lower than that for Hackney Carriage Driver's. This therefore already takes into account that a lower standard is needed for private hire work since those drivers are not picking people up off the street. Although IR satisfied all other elements of the fit and proper person test (there were no question marks over his character), it was not considered that a departure could be made from the policy in this particular case.

Even though IR had stated that he did not intend to carry out any normal private hire work, it would be very difficult to issue a licence conditional on IR being restricted to carrying out the work he described. In any event, for the work that IR had described, some knowledge of the city would be required. For example, to cope with diversions, avoid jams or take a route as requested by the passenger.

The Members therefore did not consider that they had received enough evidence to persuade them to set aside their Policy in this case, so, on a balance of probabilities, they refused the application.

Chair's Signature

BRISTOL CITY COUNCIL

**MINUTES OF MEETING
OF THE PUBLIC SAFETY AND PROTECTION
SUB-COMMITTEE A
HELD ON 8th NOVEMBER 2011 AT 10.00 AM.**

PSP 100.11/11

Agenda Item No. 7

Agenda title**REPORT OF THE CONVICTION OF A PRIVATE HIRE DRIVER: ZZ****Finding of Facts**

- On 7th September 2011 ZZ was convicted in Bristol Magistrates' Court of two offences involving unlawful plying for hire and using a vehicle on a public road without a vehicle excise licence.
- ZZ had therefore been convicted of an offence under the Town Police Clauses Act 1847 and there was reasonable cause to take action on his licence

Decision

That the Private Hire Driver's Licence held by ZZ be revoked on the following grounds: -

- section 61(1)(a)(ii) of the Local Government (Miscellaneous Provisions) act 1976 in that he had been convicted of an offence under the Town Police Clauses Act 1847
- section 61(1)(b) of the Local Government (Miscellaneous Provisions) Act 1976 namely "any other reasonable cause"

Reasons for Decision

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

ZZ had been convicted of the offence of plying for hire which was a widespread problem in the Bristol area, particularly within the private hire trade. Under the Council's policy on criminal behaviour, such an offence would usually result in a period of suspension of 6 months. Although ZZ had not been convicted of the offence of no insurance, which often goes hand in hand with plying for hire, he had also been convicted of the offence of not having a vehicle excise licence.

The Members considered this to be an aggravating feature of the overall offending conduct.

The Members therefore concluded that a period of suspension of 6 months should apply in this case. However, as ZZ's licence was due to expire on 28th February 2012, in less than 6 months time, it would instead have to be revoked. However, ZZ's licence could be restored to him upon expiry of the period of 6 months "off the road" – subject to him keeping out of trouble in the meantime.

Chair's Signature

BRISTOL CITY COUNCIL**MINUTES OF MEETING
OF THE PUBLIC SAFETY AND PROTECTION
SUB-COMMITTEE A
HELD ON 8th NOVEMBER 2011 AT 10.00 AM.****PSP 101.11/11****Agenda Item No. 8****Agenda title****COMPLAINT OF OFFENDING CONDUCT HOLDER OF HACKNEY
CARRIAGE DRIVER'S LICENCE - BM****Finding of Facts**

Members found the complainant, JB, to be a credible witness and did not accept the explanation put forward by BM. On the balance of probabilities, Members therefore upheld the complaint.

There was reasonable cause to take action in respect of BM's licence.

Decision

That, on the balance of probabilities, Members found the version of events put forward by the complainant more credible than the version put forward by BM. The complaint was therefore upheld.

That the Hackney Carriage Driver's Licence held by BM be suspended on the ground contained in section 61(1)(b) of the Local Government (Miscellaneous Provisions) Act 1976 namely any other reasonable cause

Reasons for Decision

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

Members found the complainant, JB, to be a credible witness and did not accept the explanation put forward by BM. In particular, they believed that JB had recorded the number of the taxi plate correctly. They also believed that the driver had failed to use his taxi meter and had overcharged the complainants. BM was the proprietor and the only person insured to driver the vehicle in question so it must have been him. On a balance of probabilities, Members therefore upheld the complaint..

The conduct in question would have amounted to overcharging and not using the meter within the Bristol district and was therefore akin to offences under the Town Police Clauses Act 1847. The Council takes a dim view of such conduct which unfortunately is a widespread problem within the hackney carriage trade. There was therefore “reasonable cause” to take some action in respect of BM’s licence.

Under the Council’s Policy on offending behaviour, such conduct would usually require a period of six months suspension. However, as BM was able to demonstrate previous good character, this was a one off incident and he was a relatively inexperienced taxi driver, Members considered that in the individual circumstances of this case, a slight departure from the Policy could be justified. A shorter period of suspension of the licence of one month was therefore imposed.

Chair’s Signature

BRISTOL CITY COUNCIL

**MINUTES OF MEETING
OF THE PUBLIC SAFETY AND PROTECTION
SUB-COMMITTEE A
HELD ON 8th NOVEMBER 2011 AT 10.00 AM.**

PSP 102.11/11

Agenda Item No. 9

Agenda title

REPORT OF THE CONVICTION OF A PRIVATE HIRE DRIVER'S LICENCE - DN

Finding of Facts

- DN was found guilty of actual bodily harm of a male and assaulting a female at North Somerset Magistrates Court on 14th October 2011. For these offences he had received a Community Order and two restraining orders had been imposed.
- On a balance of probabilities the Council could no longer be satisfied that DN was a fit and proper person to hold a Private Hire Driver's Licence

Decision

That the Private Hire Driver's Licence held by DN be revoked on the ground contained in section 61(1)(a)(i) of the Local Government (Miscellaneous Provisions) Act 1976 in that he had been convicted of an offence involving violence.

Reasons for Decision

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

The Committee first had regard to the Council's policy on criminal behaviour which in regard to offences involving violence, usually required a period of at least 5 years free of conviction. Between 5 and 8 years free of conviction more weight will be given to the circumstances of the offence and any evidence adduced to show good character since the date of the conviction.

Although it was recognised that this was a one off incident in more than 20 years of taxi driving and DN had a previous good record, the offences were very serious. The seriousness of the offences was reflected by the sanctions handed down by the Court, such that the community punishment threshold had been satisfied. The convictions were also very recent and the members considered it far too soon and the offences far too serious to merit a departure from the policy

without undermining it and the reasons that underlie it.

In the circumstances, the Members could no longer be satisfied that DN was a fit and proper person to hold a private hire driver's licence.

Chair's Signature

BRISTOL CITY COUNCIL

**MINUTES OF MEETING
OF THE PUBLIC SAFETY AND PROTECTION
SUB-COMMITTEE A
HELD ON 8th NOVEMBER 2011 AT 10.00 AM.**

PSP 104.11/11

Agenda Item No. 11

Agenda title

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

Finding of Facts

- MEC had been convicted of criminal damage at Bristol Magistrates on 4th June 2011.
- On a balance of probabilities the Council could not be satisfied that MEC was a fit and proper person to hold such a licence

Decision

that the application for a Private Hire Driver's Licence by MEC be refused on the ground contained in section 51 of the Local Government (Miscellaneous Provisions) Act 1976 in that he had not satisfied the Council that he was 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 Council's policy on criminal behaviour usually required a period of at least 5 years free of conviction in cases involving criminal damage which come under the heading of offences involving violence. The Members considered the incident to be a very serious one as it was committed as part of a group and involved the carrying of weapons. It also related to a dispute that had arisen within the taxi trade. Given the circumstances of the offence MEC would have a very heavy burden to discharge to satisfy the Members that he should be treated as an exception to the policy without undermining it.

The Members could not be satisfied, on a balance of probabilities, that MEC was a fit and proper person or that he should be treated as an exception to the policy.

MEC had produced a letter in support of his application from a firm of solicitors which suggested that because MEC had been granted a licence in Rotherham, it would be inequitable for Bristol to reject his application as both Council's would base their recommendation on the same facts and policies. The Members rejected this argument as being wrong in law. There is no presumption in the legislation that any applicant satisfies the fit and proper person test.

In this case, the Council had consistently applied its policy and had listened very carefully to the individual circumstances of MEC's application but could not be satisfied that he had discharged the burden of proving he was a fit and proper person or that he should be treated as an exception to Bristol City Council's adopted policy.

Chair's Signature

BRISTOL CITY COUNCIL

**MINUTES OF MEETING
OF THE PUBLIC SAFETY AND PROTECTION
SUB-COMMITTEE A
HELD ON 8th NOVEMBER 2011 AT 10.00 AM.**

PSP 105.11/11

Agenda Item No. 12

Agenda title

APPLICATION FOR THE GRANT OF A HACKNEY CARRIAGE DRIVER'S LICENCE - TK

Finding of Facts

- TK was convicted of theft (x3) and handling stolen goods (x2) in Bristol Magistrates' Court on 23rd October 2008 for which he received a sentence of suspended imprisonment and community punishment.
- On a balance of probabilities, TK was not a fit and proper person to hold a Hackney Carriage driver's licence

Decision

That the application for a Hackney Carriage Driver's Licence by TK be refused on the ground contained in section 59 of the Local Government (Miscellaneous Provisions) Act 1976 in that he had not satisfied the Council that he was 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 Council's policy on criminal behaviour usually requires a period of at 3 to 5 years free of conviction before an application will be entertained when an applicant has been convicted of an offence involving dishonesty.

In TK's case he had committed several offences involving dishonesty and although they had occurred over a relatively short period of time, the incidents were not isolated. Furthermore, the offence involving the stolen wallets were committed whilst he was licensed as a hackney carriage driver.

The offending conduct was clearly at the more serious end of the scale, reflected by the sentence of suspended imprisonment handed down by the

Court. TK would therefore have a heavy burden to discharge to prove that he was a fit and proper person or that he should be treated as an exception to the Council's policy. In the particular circumstances of this case, the Council would usually require an applicant to remain free of conviction for the longer period of 5 years.

Although it had been represented that TK had been employed in roles which involved him handling money, it was clear to members that this was in a more controlled environment. Hackney carriage and private hire driver's are expected to be persons of trust and although TK had made efforts to rehabilitate himself, he still had a long way to go to satisfy the Council that he could be entrusted with members of the public.

At this time, the Council could not be satisfied that sufficient evidence had been produced to satisfy them that TK was a fit and proper person to hold a hackney carriage driver's licence or that he should be treated as an exception to the policy without undermining it.

Chair's Signature

BRISTOL CITY COUNCIL

**MINUTES OF MEETING
OF THE PUBLIC SAFETY AND PROTECTION
SUB-COMMITTEE A
HELD ON 8th NOVEMBER 2011 AT 10.00 AM.**

PSP 106.11/11

Agenda Item No. 13

Agenda title

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

Finding of Facts

- DKK was found guilty at Bristol Crown Court on 30th June 1994 and sentenced to imprisonment.
- DKK had been convicted in Bristol Crown Court on 10th November 2010 in respect of making false representations to make a gain for himself or another or to cause loss to other/expose other to risk resulting in a suspended prison sentence and unpaid work.
- DKK had failed to disclose this conviction to the Council on his most recent application form
- On a balance of probabilities DKK had not satisfied the Council that he was a fit and proper person to hold a private hire driver's licence

Decision

That the application for a Private Hire Driver's Licence made by DKK be refused on the ground contained in section 51 of the Local Government (Miscellaneous Provisions) Act 1976 as he had not satisfied the Council that he was 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.

Although a previous committee had ruled that DKK's earlier criminal record would not debar him from holding a licence, since his last appearance before committee, he had been convicted of a further offence involving dishonesty. This had resulted in him receiving a suspended prison sentence and community punishment so plainly, the Court considered the offending conduct to be at the more serious end of the scale.

Although MKK had provided a very detailed explanation as to how he came to be convicted, the

Members recognised that they could not "go behind" any convictions.

Furthermore, the policy needed to be applied consistently and this offence was very recent.

DKK's latest conviction was not disclosed on his application form and Members were not convinced by his explanation that he had simply forgotten about it.

DKK therefore had a very heavy burden to discharge to prove that he was a fit and proper person or that he should be treated as an exception to the Council's policy.

In this case, it was considered that the convictions were too recent and serious to merit a departure from the policy or for DKK to satisfy the fit and proper person test. The Members were also very concerned that DKK had not been open about his recent conviction on his application form.

Chair's Signature