

**MINUTES OF A MEETING OF THE  
PUBLIC SAFETY AND PROTECTION SUB-COMMITTEE A  
HELD ON 7<sup>TH</sup> JUNE 2011 AT 10.30 A.M.**

A Councillor Chris Davies  
P Councillor Fi Hance (part)  
P Councillor Brenda Hugill  
P Councillor Jay Jethwa

**PSP  
15.6/11**

**ELECTION OF CHAIR AND VICE-CHAIR**

- RESOLVED -**
- (1) that Councillor Hugill be elected Chair of the Public Safety and Protection Sub-Committee A for the 2011/12 Municipal Year; and**
  - (2) that Councillor Jethwa be elected Vice-Chair of the Public Safety and Protection Sub-Committee A for the 2011/12 Municipal Year.**

**PSP  
16.6/11**

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

**(i) Apologies**

Apologies were received from Councillor Davies.

**(ii) Declarations of Interest**

No further declarations of interest were received.

**PSP  
17.6/11**

**SUB-COMMITTEE TERMS OF REFERENCE**

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

**PSP**  
**18.6/11**

**PUBLIC FORUM**

A Public Forum Statement from Councillor Kiely - on behalf of a constituent - was received and it was agreed that it be referred to the Licensing Office for a response. A copy of the statement is contained in the Minute Book.

**PSP**  
**19.6/11**

**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**  
**20.6/11**

**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**  
**21.6/11**

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

(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 and City Development (Agenda Item No. 7) considering an application for the grant of a Private hire driver's licence.

AQ was in attendance, accompanied by a personal reference.

The Chair explained the procedure that would be followed.

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

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

- The incident in Cardiff took place following a night out with friends when the car he was travelling in was stopped by the Police and a quantity of cannabis was found in it; he owned up to the offence although he was not legally represented; he no longer associates with these people
- He now wants to work as a taxi driver and has already passed the Knowledge and Medical Tests
- His father is ill and he needs to work to support the family
- The offence in Bristol related to an occasion when someone left cannabis in his car
- The Breach of the Order relates to an occasion when he was 5 minutes late in arriving
- He confirmed which address in the papers was his and that the other address was where his brother lives

The personal reference for AQ then made a statement on his behalf highlighting the following: he knows the family and his father is unable to work; he employs AQ on a casual basis (when the business can afford it) and he has found AQ to be a very reliable hard worker with good customer skills both face to face and on the telephone. AQ then 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 1.

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

**PSP  
22.6/11**

**APPLICATION FOR THE GRANT OF A PRIVATE HIRE DRIVERS LICENCE – APPLICANT KRR**

(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 & City Development (Agenda Item No. 8) considering an application for the grant of a Private Hire Driver's Licence.

KRR was in attendance, accompanied by his partner.

The Chair explained the procedure that would be followed.

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

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

- At the time of the offence he was very angry and frustrated but now acknowledged that he made a mistake
- The tenant had not paid rent for two years; he had sought legal advice after the incident
- He has never been in any other trouble and wants to work to support his family
- He will never take the law into his own hands again and would involve the Police when necessary
- 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 Officers be delegated to approve the application for the grant of a Private Hire Driver's License by KRR subject to him passing the fit and proper person tests.**

**PSP  
23.6/11**

**APPLICATION FOR THE GRANT OF A PRIVATE HIRE DRIVERS LICENCE – APPLICANT MYF**

(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 & City Development (Agenda Item No. 9) considering an application for the grant of a Private Hire Driver's Licence.

MYF was in attendance, accompanied by his wife and sister in law.

The Chair explained the procedure that would be followed.

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

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

- He has been driving for 7 to 8 years without any other accidents or convictions
- During a previous argument his brother had damaged his car
- He had therefore moved the van to prevent it being damaged on this occasion although he was disqualified from driving at the time
- The van had been parked outside his house by a neighbour who had been asleep at the time of the incident

- His wife had completed the application form for him
- He does not have job at present and wants to work to support his family including his three daughters
- He has had no other arguments with his brother since the incident

His sister in law made a statement on his behalf.

His wife also made a statement on his behalf.

MYF summed up his case.

(The Representative of the Service Director, Legal Services explained the Policy relating to the offences committed by MYF. It was however noted that MYF had not been provided with a copy of the Policy prior to the Meeting. A copy of the policy is therefore to be sent to him as soon as possible.)

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 application for the grant of a Private Hire Driver's License by MYF be refused on the grounds that he has not convinced the Council that he is a fit and proper person to hold such a license.  
(However once MYF has received and read the Council's Policy relating the offences he has committed, he is to be offered an opportunity - if he wants to take it - to appear before the Committee on a future date to re-present his case.)**

(Councillor Hance left the Meeting after this item had been

considered.)

**PSP**

**24.6/11**

**HACKNEY CARRIAGE DRIVER RECENT ARREST**

(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 & City Development (Agenda Item No. 10) considering whether any action is required as a result of a recent incident.

MJ was in attendance, accompanied by his ex-wife and a friend who would put his case.

The Chair explained the procedure that would be followed.

The Licensing Officer introduced the report and summarised it for Members. She also read out a description of the incident received from the Police.

MJ's friend then put his case including a written submission, a copy of which is contained in the Minute Book, and answered questions highlighting the following:

- MJ has held a Hackney Carriage Driver's License for 13 years and has never had any other convictions
- MJ was unable to attend the meeting on 27<sup>th</sup> April 2011 because he was not released from Police custody until that day and is on bail
- She referred to the Human Rights Act and stated that certain paragraphs in the report were biased against MJ
- MJ is an innocent man who should be allowed to carry on working; the report contains only alleged allegations
- The Committee had previously suspended his license for "any other reasonable cause" without knowing what evidence would be presented against MJ at his trial
- She drew attention to written references provided for MJ, in particular the one relating to the alleged incident on 12<sup>th</sup> April

2011

- MJ is already experiencing financial difficulties and will experience even more if his license remain suspended until his trial in August 2011 because he would have other income apart of Benefits
- 
- MJ had overlooked the letter from BCC dated 14<sup>th</sup> April 2011 concerning the alleged incident on 12<sup>th</sup> April 2011

The Representative of the Service Director, Legal Services explained the legal situation - the Committee is aware that MJ is innocent until proved guilty; the suspension of the license does not imply guilt; the City Council is the regulator of the taxi system and has to protect the public; the Committee does not know the details of the case the CPS is assembling to present to the Courts, however it has to balance the rights of license holders with maintaining the confidence of the travelling public in the taxi system; Article 1 of the Human Rights Act governs this situation.

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 - (i) that the Hackney Carriage Driver's License held by MJ be suspended on the ground contained in Section 61 (1) (b) of the Local Government (Miscellaneous Provisions)1976 Act namely "any other reasonable cause";**

**(ii) that the interests of public safety require the said suspension to have immediate effect on the ground contained in Section 61 (2B) of the Local Government (Miscellaneous Provisions)1976 Act as MJ has been charged with a serious offence; and**

**(iii) that the said suspension shall remain in force until after the Committee can review it following the conclusion of the criminal case against MJ.**



**PSP**

**25.6/11**

**DATE OF NEXT MEETING**

**RESOLVED - that the next meeting will be held on Tuesday 5<sup>th</sup> July 2011 at 10.00 am and is likely to be a meeting of Sub-Committee B.**

(The meeting ended at 3.15 pm.)

CHAIR

**BRISTOL CITY COUNCIL****MINUTES OF MEETING  
OF THE PUBLIC SAFETY AND PROTECTION  
SUB-COMMITTEE A  
HELD ON 7TH JUNE 2011 AT 10.30 A.M.****PSP 21.6/11****Agenda item no: 7****Agenda title****APPLICATION FOR THE GRANT OF A PRIVATE HIRE DRIVER'S LICENSE -  
AQ****Finding of Facts**

AQ has two convictions for the possession of a Controlled Drug (Cannabis).  
AQ has a conviction for the Breach of a Community Order.

**Decision**

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

**Reasons for Decision**

Members considered very carefully all of the written and verbal evidence presented to them.  
They noted that AQ no longer associates with his former friends and that he no longer takes drugs. They noted his family circumstances and the statement made by his personal reference.  
However they did not consider that they had heard enough evidence to convince them to set aside their Policy in relation to AQ. They were not therefore convinced that AQ is a fit and proper person to hold a Private Hire Driver's License and refused his application.

**Chair's Signature**

## BRISTOL CITY COUNCIL

MINUTES OF MEETING  
OF THE PUBLIC SAFETY AND PROTECTION  
SUB-COMMITTEE A  
HELD ON 7TH JUNE 2011 AT 10.30 A.M.

PSP 22.6/11

Agenda item no: 8

**Agenda title****APPLICATION FOR THE GRANT OF A PRIVATE HIRE DRIVER'S LICENSE - KRR****Finding of Facts**

KRR was convicted of an offence under the Protection from Eviction Act 1977.

**Decision**

That Officers be delegated to approve the application for the grant of a Private Hire Driver's License by KRR subject to him passing the fit and proper person tests.

**Reasons for Decision**

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

Members noted that KRR admitted the offence, had been angry and frustrated at the time, and acknowledged he had been in the wrong and made a mistake.

They also noted that he has never been in any other kind of trouble.

Members therefore decided that - subject to him passing the fit and proper person tests - he could be granted a license.

**Chair's Signature**

## BRISTOL CITY COUNCIL

**MINUTES OF MEETING  
OF THE PUBLIC SAFETY AND PROTECTION  
SUB-COMMITTEE A  
HELD ON 7TH JUNE 2011 AT 10.30 A.M.**

PSP 23.6/11

Agenda item no: 9

**Agenda title**

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

**Finding of Facts**

MYF has been convicted of offences relating to Using a Vehicle whilst Uninsured and Driving whilst Disqualified.

**Decision**

That the application for the grant of a Private Hire Driver's License by MYF be refused on the grounds that he has not convinced the Council that he is a fit and proper person to hold such a license.  
(However once MYF has received and read the Council's Policy relating the offences he has committed, he is to be offered an opportunity - if he wants to take it - to appear before the Committee on a future date to re-present his case.)

**Reasons for Decision**

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

Taking account of their Policy and the case put forward by MYF they did not consider that they had heard enough evidence to convince them to set aside their Policy in his case. They therefore decided to refuse his application as he had not convinced them that he is a fit and proper person to hold such a license.

They noted however that he had not been provided with a copy of the Policy prior to the meeting and therefore agreed that he be given an opportunity to re-present his case at a future Meeting of the Committee.

**Chair's Signature**

## BRISTOL CITY COUNCIL

**MINUTES OF MEETING  
OF THE PUBLIC SAFETY AND PROTECTION  
SUB-COMMITTEE A  
HELD ON 7TH JUNE 2011 AT 10.30 A.M.**

PSP 24.6/11

Agenda item no: 10

**Agenda title****HACKNEY CARRIAGE DRIVER RECENT ARREST****Finding of Facts**

MJ has been arrested and charged with Grievous Bodily Harm, and is awaiting trial.

**Decision**

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

That the interests of public safety require the said suspension to have immediate effect on the ground contained in Section 61 (2B) of the Local Government (Miscellaneous Provisions) 1976 Act as MJ has been charged with a serious offence.

That the said suspension shall remain in force until after the Committee can review it following the conclusion of the criminal case against MJ.

**Reasons for Decision**

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

Whilst noting that MJ remains innocent until proved guilty, Members noted that their over riding responsibility is to ensure the safety of the public and maintain the travelling public's confidence in the taxi system.

They therefore agreed to suspend the license with immediate effect.

**Chair's Signature**