

BRISTOL CITY COUNCIL

MINUTES OF A MEETING OF THE
PUBLIC SAFETY AND PROTECTION SUB-COMMITTEE A
HELD ON 26TH JULY 2011 AT 10.00 A.M.

A Councillor Fi Hance
P Councillor Alf Havvock
P Councillor Brenda Hugill (in the Chair)
A Councillor Jay Jethwa
P Councillor Tim Leaman (for Cllr Hance) (part)
P Councillor David Morris (for Cllr Jethwa)

PSP

40.7/11

APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies were received from Councillor Hance, substitute Councillor Leaman; and Councillor Jethwa, substitute Councillor Morris.

PSP

41.7/11

DECLARATIONS OF INTEREST

There were no further declarations of interest.

PSP

42.7/11

PUBLIC FORUM

Nothing was received.

PSP

43.7/11

**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

44.7/11

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

45.7/11

COMPLAINT OF DANGEROUS, CARELESS AND INCONSIDERATE DRIVING - HOLDER OF HACKNEY CARRIAGE DRIVER LICENCE, TA.

(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 action is necessary against TA, the holder of a Hackney Carriage Driver Licence.

TA was in attendance, accompanied by TL.

One of the complainants/witness, ST, was also 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.

ST then made gave his version of events drawing everyone's attention to his written statement and the video footage he had taken of the incident (at Midland Road/West Street).

In response to concerns raised by TL, ST confirmed that the video footage was unedited and had been downloaded straight from his camera to a disc, and sent to the Licensing Office. He also confirmed that TA was not previously known to him.

The Representative of the Service Director, Legal Services stated that the Members of the Committee would decide on the weight to give to the video evidence once they had seen it.

The video of the incident taken by ST was then shown to everyone.

The Enforcement Officer confirmed that the Licensing Office had been able to clearly identify the registration number of the vehicle involved in the incident when viewing the video footage in his office. The Members found it difficult to make out the registration number from the projector image.

The complainant/cyclist also confirmed that he had a clear view of the registration number of the vehicle when it went through the red lights because not only had he caught it on his camera but he also said the vehicle registration number to himself at the time, which is also recorded.

TA then made representations and answered questions highlighting the following:

- In relation to the complaint of playing loud music in Beechwood Road, he lives there with his family and considers that the complaint is probably from a neighbour that his family has had an argument with
- His father in law also considers that the complaint is from a neighbour that his family has had an argument with (a copy of his statement is contained in the Minute Book)
- He denied that he had driven recklessly or played his music too loud in Beechwood Road.
- In relation to the incident at the traffic signals at Midland Road/West Street, he does not recall going through a red light, but as the vehicle is the one he drives and he was probably driving it at the time, then he assumed it must have been him on the video footage
- He is not very familiar with the signals as he does not use that road very much

- He does not play his music very loud
- Beechwood Road is fairly narrow with cars usually parked on both sides of it
- There is a pub at the end of the road and the noise of loud music is more likely to have come from there
- He has been a taxi driver since 2008 and has never had any other complaints made against him. It was a bad coincidence that two complaints had been made against him so close together. He considered himself to be a fit and proper driver.

TL made a statement on behalf of TA during which he questioned whether or not the video was edited and reasons for lodging the complaint, drew Members attention to the statement from the father in law concerning the noise complaint and stated that many taxi drivers have penalty points on their licences - this does not make them unfit to be taxi drivers. He commented that the lights had changed so quickly that TA did not notice that they were red. He asked that the committee consider giving TA a warning.

TA 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 the decision of the Committee concerning the complaints.

The Chair announced that the Committee had decided to uphold the complaint about TA going through a red light but no weight could be attached to the complaint of noise nuisance and bad driving in Beechwood Road because the complaint was anonymous and the complainant was not present at the hearing to be questioned by the Committee and TA..

TA was then invited to make a statement in mitigation before the

Committee decided what action - if any - to take against his licence. TA had nothing further to add.

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

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 the decision of the Committee concerning the license held by TA.

- RESOLVED -**
- (i) that the complaint against TA going through a red light at speed be upheld;**
 - (ii) that no weight be attached to the complaint against TA of bad driving and playing loud music in Beechwood Road; and**
 - (iii) that the Hackney Carriage Driver's Licence held by TA be suspended for a period of three months on the ground contained in section 61(1)(b) of the Local Government (Miscellaneous Provisions) Act 1976 namely "any other reasonable cause".**

**PSP
46.7/11**

REPORT OF THE CONVICTION OF A HACKNEY CARRIAGE DRIVER – AS.

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

AS did not attend the Meeting. The Licensing Officers reported that letters informing him of the meeting had been sent out but had not been received by AS. Officers had also made several attempts to leave messages with the defendant, including leaving a message with his mother, in order to advise him of the meeting. The Members therefore decided that in the interests of justice, further attempts should be made to notify AS that the matter of his licence

was due to be considered by the Committee and giving him one last opportunity to attend. However, AS had been convicted of an offence involving dishonesty and therefore the matter would need to proceed on the next occasion.

It was therefore

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

**PSP
47.7/11**

COMPLAINT OF OFFENDING CONDUCT - HOLDER OF PRIVATE HIRE DRIVER'S LICENCE – TA.

(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 Private Hire Driver's Licence held by TA.

TA was in attendance, accompanied by two colleagues.

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

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

TA tabled written references, copies of which are contained in the Minute Book.

TA then made representations and answered questions highlighting the following:

- The incidents happened at a time when he was having a lot of domestic problems
- He had had to travel to Pakistan to help his sister who was having problems with her in-laws
- He is also having to look after his father and had to borrow money to bring his sister back from Pakistan

- When he arrived back from Pakistan his Private Hire Licence had expired and he was unable to find his DVLA License; his Private Hire Licence was therefore only renewed for one month in February 2011 pending him obtaining a replacement DVLA Licence
- By the time the replacement DVLA Licence arrived he forgot that he had only been allowed to renew his Private Hire Driver's License for one month. He had simply overlooked renewing it
- He has never been late to renew anything before and he did not do it deliberately
- The plying for hire was an oversight; he had been approached by the two Officers just after he had dropped off a previous fare
- He has had his car damaged on previous occasions when he has refused to pick up people from the street
- He had not immediately said "yes" to the Officers when approached by them but had said yes when they told him where they wanted to go, which was where his next pick up was

His two colleagues made character statements on his behalf.

TA then summed up his case.

The Representative of the Service Director, Legal Services provided Members with Policy advice. She also explained the situation concerning the insurance issue.

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 the decision of the

Committee.

RESOLVED - that the Private Hire Driver's Licence held by TA be suspended for a period of five months on the following grounds: -

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

(Councillor Leaman left the Meeting.)

**PSP
48.7/11**

APPLICATION FOR THE GRANT OF A HACKNEY CARRIAGE DRIVER'S LICENCE - APPLICANT 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. 9) seeking consideration of the grant of a Hackney Carriage Driver's Application, with regard to whether AA is considered a fit and proper person.

AA was in attendance, accompanied by SA.

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 representations in support of his application and answered questions highlighting the following:

- He has been out of work for seven months and has a wife and two children to support

- He has learnt his lesson from the previous case and will not do the same thing again; he now knows the streets to avoid
- He has always been an honest and decent person, and has good customer skills; he wants to work and does not want to be reliant on benefits
- Other than the incidents that had resulted in revocation of his licence, there had been no other complaints made against him since he had held a licence in 2004
- He wanted to get his life back on track and earn a proper living

SA made a statement on behalf of AA stating that he has been out of work for 7 months, he realises the mistakes he made, the Panorama tv programme about racial prejudice had made him edgy, he has never endangered any passengers.

AA 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 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 the decision of the Committee.

RESOLVED - that AA's previous conduct should no longer prevent him from holding a Hackney Carriage Driver's Licence and that subject to him passing all other elements of the fit and proper person test, the Licensing Manager or his deputy be authorised to determine the application

PSP
49.7/11

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

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

HSMH did not attend the Meeting.

It was therefore

**RESOLVED - that this application be considered at a future
Meeting of the Committee.**

PSP
50.7/11

**APPLICATION FOR THE GRANT OF A HACKNEY CARRIAGE
DRIVER'S LICENCE – MJS.**

(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 Hackney Carriage Driver's Licence.

MJS provided written references - a copy of each of these are contained in the Minute Book.

MJS was in attendance, accompanied by DS and Councillor Stone.

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 advised that the CRB check was still awaited.

MJS then made representations in support of his application and answered questions highlighting the following:

- He had been a taxi driver for over twenty years
- The incident that had resulted in his licence being revoked was a domestic issue that had happened just by the front door of his house. It was not a public matter

- He had intended to appeal against the previous committee decision but had gone to India for a family wedding and his solicitor had forgotten to lodge the appeal papers
- He was very active in the Sikh Community and had been so for a number of years; since 1977. He had become an advisor of the committee at the Sikh temple in Fishponds Road in 1988 and was very much involved in Sikh events such as the one in Eastville Park
- He was married with three children and wanted to work. He didn't like staying at home

DS made a statement on behalf of MJS highlighting the following:

- MJS has been in Bristol since 1982
- His first wife died and he had married his present wife when she was 16 years old so there was a large age gap. She was new to the country and was not mature enough
- They have children together but they had not been getting on well and she may have provoked him
- He has never used abusive language to anyone else or misbehaved in public
- Domestic violence was a big problem with almost every family home
- He has never had a problem when driving a taxi and should be given a second chance.

Councillor Stone then made a statement on behalf of MJS highlighting the following:

- The problem was a domestic issue and did not involve any confrontation with a member of the public or when he was driving a taxi.
- There can be pressures in any relationship in the Sikh community. Sometimes if people are put under pressure and they are not too well, they snap

- MJS has learnt from the mistake
- He has known MJS and DS since 1985
- MJS and DS were very prominent members of the Sikh Community and had great standing in it. He knew them both very well and they had always behaved impeccably
- What happened was a domestic dispute and he was very surprised that it merited a prosecution. MJS had been given a conditional discharge
- The Committee had to decide if MJS was a fit and proper person; he would have every confidence in allowing members of his family to travel in a taxi driven by MJS

MJS 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 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 the decision of the Committee.

RESOLVED - that the application for a Hackney Carriage Driver's Licence made by MJS be refused as he had not satisfied the Council that he was a fit and proper person to hold such a licence.

**PSP
51.7/11**

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

(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.

AS was not in attendance. However as consideration of the application was deferred from the previous Meeting it was agreed that the application would be considered in his absence.

The Licensing Officer introduced the report and summarised it for everyone. She added that the papers had been delivered to AS and every effort had been made to contact him.

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

Details of the Committee's findings and reasons for the decision are set out in Appendix 5.

RESOLVED - that the application for a Private Hire Driver's Licence made by AS be refused as he has not satisfied the Council that he was a fit and proper person to hold such a licence.

INFORMATION ITEM

PSP

52.7/11

DATE OF NEXT MEETING

RESOLVED - that the next meeting will be held on Tuesday 23rd August 2011 at 10.00 a.m. and is likely to be a meeting of Sub-Committee B.

(The meeting ended at 3.40 pm.)

CHAIR

BRISTOL CITY COUNCIL

**MINUTES OF MEETING
OF THE PUBLIC SAFETY AND PROTECTION
SUB-COMMITTEE A
HELD ON 26th JULY 2011 AT 10.00 A.M.**

PSP 45.7/11

Agenda Item No: 6

Agenda title

**COMPLAINT OF DANGEROUS, CARELESS AND INCONSIDERATE DRIVING
- HOLDER OF HACKNEY CARRIAGE DRIVER LICENCE, TA.**

Finding of Facts

- i. Members of the Sub-Committee were sure that TA had gone through a red light at speed.
- ii. That on a balance of probabilities, no weight could be attached to the complaint against TA concerning the playing of loud music and bad driving in Beechwood Road.

Decision

- i. That the complaint against TA going through a red light at speed be upheld.
- ii. That no weight be attached to the complaint against TA of playing loud music and bad driving in Beechwood Road.
- iii. That the Hackney Carriage Driver's Licence held by TA be suspended for a period of three months 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 as well as the video evidence.

The first area of contention that the Members decided to deal with was the suggestion from TA's representative that the video footage had been edited. The Members simply did not accept that this was the case. The complainant, ST, was a reliable and credible witness who had never met TA before. There was absolutely no reason why ST would maliciously concoct such a complaint against TA. ST had made a contemporaneous verbal note of the registration number of the vehicle as it went through the red lights, which had been recorded on his camera. ST was also able to confirm the registration number upon viewing the footage at home. Further the Licensing Enforcement Officers, who had investigated the complaint, were also able to clearly identify the vehicle as the one driven by TA.

TA had been formally interviewed concerning the incident and questioned about it at committee today during which he had accepted that it must have been him driving the vehicle although he could not recall going through a red light.

It was clear from the recording that the vehicle had gone through a red light and at some speed. The Members were unimpressed with the argument advanced on behalf of TA that the lights changed so fast that he could not have noticed. The route in question was one widely used by drivers and one that should be very familiar to taxi drivers who drive around the city on a daily basis.

Although the standard of proof was on a balance of probabilities, Members of the Sub-Committee were sure that it was TA's vehicle that had gone through the red light and that TA was the driver at the material time.

In relation to the complaint about playing loud music, the complainant, who was anonymous, was not in attendance at committee today so there was no opportunity for Members to put questions to the complainant or for TA to

challenge their evidence. TA had vehemently denied the allegation. In consequence, the Members were of the view that as there was no other evidence to support the complaint, it could not be upheld. No further action would be taken in this respect. The Sub-Committee therefore had to decide what action, if any, to take in respect of the incident whereby TA had driven through a red light at speed. In doing so, the Members had regard to the Council's policy on the relevance of criminal behaviour which affords a general guide on the action which might be taken on convictions or where offending behaviour is proved to the satisfaction of the Council (as is the case here) and reference to conviction shall be construed accordingly.

The proven facts in TA's case were akin to offences of ignoring a traffic signal (a minor traffic offence under the policy) and driving without due care and attention (a major traffic offence under the policy). It was noted that TA already had 6 points on his DVLA licence – one which related to speeding.

In regard to the incident itself, the usual starting point under the policy would be to suspend the licensee for a period of 6 months. In determining what would be a proportionate response, the Members took into account TA's previous good record with the Council and that he had fully cooperated with the investigation. However, Members concluded that the incident was so serious that there was reasonable cause to take some action against TA's Hackney Carriage Driver's Licence. Consequently it was determined that a minor departure from the policy could be justified whereby TA's licence would be suspended for a period of 3 months instead of the usual 6 months.

Chair's Signature

BRISTOL CITY COUNCIL

**MINUTES OF MEETING
OF THE PUBLIC SAFETY AND PROTECTION
SUB-COMMITTEE A
HELD ON 26th JULY 2011 AT 10.00 A.M.**

PSP 47.7/11

Agenda Item No: 8

Agenda title

**COMPLAINT OF OFFENDING CONDUCT - HOLDER OF PRIVATE HIRE
DRIVER'S LICENCE – TA.**

Finding of Facts

TA was found guilty of Driving without a Private Hire Driver's License, Plying for Hire without a Hackney Carriage Driver's License and Driving without Insurance.

Decision

That the Private Hire Driver's Licence held by TA be suspended for a period of five months on the following grounds: -

- i. section 61(1)(a)(ii) of the Local Government (Miscellaneous Provisions) Act 1976 in that he had been convicted of offences under the 1976 Act and the Town Police Clauses Act 1847
- ii. 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.

Although the domestic problems TA was dealing with at the time of the offences and his previous good record were noted, the offences were considered to be serious.

Plying for hire is a serious problem in the Bristol area as this unlawful practice not only places the public at risk but it also deprives properly licensed Hackney Carriage Driver's of their livelihood. Although TA had contended that he sometimes felt threatened when approached by members of the public who had not pre-booked with him, the Members did not accept that he had felt threatened at the material time. The two undercover Council officers had approached his vehicle in an entirely passive manner and had simply asked TA if he was available for hire, whereupon, without any persuasion or pressure, TA had willingly agreed to transport them and had done so for a fare. The Members

were somewhat surprised that when TA attended the licensing offices for a formal interview, he did not even recognise the interviewing officers as the same ones who had travelled in his vehicle. This indicated to Members that TA was not really paying very much attention to who he was picking up at the material time and therefore failing to exercise proper care and judgment.

A major area of concern for the committee was that for a period of more than a month TA continued to work as a Private Hire Driver when his licence had expired, during which he had been allocated 275 bookings including transporting school children and hospital patients.

Although TA contended that he had simply overlooked the matter of renewing his licence, the Committee were of the view that it was his responsibility to ensure that he was working lawfully at all times. The penalty imposed by the Magistrates' court was a strong indicator of how serious the Justices' considered the offences to be.

The normal starting point under the Council's policy on criminal conduct would be to suspend TA's licence for a period of 6 months but due to TA's previous good character and the fact that he had shown remorse, the Committee considered that this could be slightly mitigated to a period of suspension of five months instead.

Chair's Signature

BRISTOL CITY COUNCIL

**MINUTES OF MEETING
OF THE PUBLIC SAFETY AND PROTECTION
SUB-COMMITTEE A
HELD ON 26th JULY 2011 AT 10.00 A.M.**

PSP 48.7/11

Agenda Item No: 9

Agenda title

APPLICATION FOR THE GRANT OF A HACKNEY CARRIAGE DRIVER'S LICENCE - APPLICANT AA.

Finding of Facts

That the Committee revoked the Hackney Carriage Driver's License held by AA on 28th October 2010 as a result of two complaints made against him. Members were satisfied, on a balance of probabilities, that AA's previous conduct, that had resulted in his licence being revoked, would no longer prevent him from holding a Hackney Carriage Driver's Licence

Decision

That AA's previous conduct should no longer prevent him from holding a Hackney Carriage Driver's Licence and that subject to him passing all other elements of the fit and proper person test, the Licensing Manager or his deputy be authorised to determine the application

Reasons for Decision

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

According to the Council's policy on offending behaviour, the conduct that had resulted in AA's licence being revoked was akin to offences of unreasonably refusing to transport passengers and therefore the usual starting point would be a period of 6 months "off the road". AA's conduct now fell outside the policy but the burden of proving that he was a fit and proper person to hold a Hackney Carriage Driver's licence still rested with him. There is no presumption in the legislation that an applicant should pass that test.

The Members were very impressed with the way that AA had presented his application to them and that he had shown remorse for his previous conduct which had been a very hard lesson for him. Clearly, AA had used his period of time "off the road" in order to reflect upon the impact of his behaviour. As such, the Members were satisfied that AA was now a fit and proper person to hold a Hackney Carriage Driver's Licence but were unable to grant him a licence today

as he was still required to pass other elements of that statutory test as set out in the committee report.

Members therefore agreed that Officers be delegated authority to issue a Hackney Carriage Driver's Licence to AA provided he passes the other elements of the fit and proper person test.

Chair's Signature

BRISTOL CITY COUNCIL

**MINUTES OF MEETING
OF THE PUBLIC SAFETY AND PROTECTION
SUB-COMMITTEE A
HELD ON 26th JULY 2011 AT 10.00 A.M.**

PSP 50.7/11

Agenda Item No: 11

Agenda title

APPLICATION FOR THE GRANT OF A HACKNEY CARRIAGE DRIVER'S LICENCE – MJS.

Finding of Facts

- The Committee had revoked MJS's Hackney Carriage Driver's licence on 8th February 2010 after he was found guilty of using threatening, abusive, insulting words, or behaviour with intent to cause fear or provocation of violence.
- On a balance of probabilities, the Committee could not be satisfied that MJS was a fit and proper person to hold a Hackney Carriage Driver's Licence

Decision

That the application for a Hackney Carriage Driver's Licence made by MJS be refused 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.

The Members had regard to the Council's policy on criminal behaviour and noted that the offence in respect of which MJS had been found guilty fell within the category of offences involving violence. The usual starting point under the policy would be to refuse the application where the conviction/offending behaviour is less than 5 years old. Between 5 and 8 years after 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.

Where a Council has a policy and an individual is seeking to be treated as an exception to that policy, the burden of proving that an exception should be made lies on the individual. Further, the burden of proof also rested with MJS to satisfy the Council that he was a fit and proper person to hold a Hackney Carriage

Driver's Licence as there is no presumption in the legislation that an applicant should satisfy that test.

Although the Committee noted MJS's work in the Sikh Community and his character references, their overriding responsibility was to protect the public and ensure that the public have confidence in the taxi system. In MJS's case, the Committee considered the offence to be serious, notwithstanding that he had been given a conditional discharge for it, and that it was far too soon to depart from the policy without undermining it. The offending conduct was still very recent and notwithstanding MJS's previous good record, it was proven that he was someone who could lose control. They did not consider that MJS had produced sufficient evidence to demonstrate good character since the offending conduct and a matter of particular concern was that MJS showed no remorse for what he had done in that it was repeatedly contended by him and on his behalf that it was a domestic incident that had not occurred in public. These statements contradicted the circumstances of the offence in respect of which he had been found guilty.

Although MJS was an upstanding member of the Sikh community, that did not excuse his behaviour. The Council and members of the public are entitled to expect high standards of conduct from Licensees and applicants and on the occasion in question, MJS's conduct had fallen well beneath those standards.

The Committee therefore unanimously concluded that MJS had not satisfied them that he was a fit and proper person to hold a Hackney Carriage Driver's Licence.

Chair's Signature

BRISTOL CITY COUNCIL**MINUTES OF MEETING
OF THE PUBLIC SAFETY AND PROTECTION
SUB-COMMITTEE A
HELD ON 26th JULY 2011 AT 10.00 A.M.****PSP 51.7/11****Agenda Item No: 12****Agenda title****APPLICATION FOR THE GRANT OF A PRIVATE HIRE DRIVER'S LICENCE -
APPLICANT AS.****Finding of Facts**

AS had been convicted of a number of offences over a period of time including several major traffic offences and therefore on a balance of probabilities the Council could not be satisfied 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 AS be refused 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 the information presented in the committee report and that according to the Council's policy on criminal conduct the starting point would be to refuse the application.

As AS did not attend the Meeting there was no evidence presented to Members to satisfy them that he was a fit and proper person to hold a Private Hire Driver's Licence or that the Council should depart from their Policy in his case. In any event, given the nature of the convictions, their frequency and the period of time over which they had occurred, AS would have had a very heavy burden to discharge to prove that he was a suitable person to be licensed by the Council. The Committee therefore unanimously decided to refuse the application.

Chair's Signature