

BRISTOL CITY COUNCIL

MINUTES OF A MEETING OF THE
PUBLIC SAFETY AND PROTECTION SUB-COMMITTEE A
HELD ON 20TH SEPTEMBER 2011 AT 10.00 A.M.

P Councillor Fi Hance
P Councillor Alf Havvock
P Councillor Jay Jethwa
P Councillor Brenda Hugill (in the Chair)

PSP
72.9/11 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were none.

PSP
73.9/11 DECLARATIONS OF INTEREST

None were received.

PSP
74.9/11 PUBLIC FORUM

Nothing was received.

PSP
**75.9/11 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
76.9/11 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

77.9/11

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

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

NCR did not attend the Meeting.

It was therefore

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

PSP

78.9/11

DETERMINATION OF ANY ACTION ARISING FROM A TRAFFIC OFFENCE, FALSE DECLARATION AND BREACH OF LICENCE CONDITIONS - TM

(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 if any action be taken against TM regarding a road traffic offence which was not declared on the application to renew his private hire driver's licence.

TM was in attendance and advised the Members that he did not have his DVLA Licence with him.

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

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

TM made his representations and answered questions highlighting the following:

- In respect of the offence concerning driving a vehicle uninsured against third party risks for which he was convicted on 11 May 2011 TM explained that he had been

quoted a price of £85 for one week's insurance and paid the £85 which was subsequently returned to me.

- He believed that he was insured and was on his way to have the car serviced when he was stopped by the Police and found to have no insurance for the vehicle
- He owned a van and two cars; the uninsured car was not the car he used as a
- It alleged against TM that when he applied to renew his licence he submitted an out of date DVLA licence TM explained that he did not have his new DVLA Licence when he completed his application form so he had submitted his old licence with the form. TM was unable to confirm when he received the most recent DVLA licence but confirmed that he had found it in his house which he subsequently furnished the licensing office with.
- When asked why he failed to declare the details of his 2011 conviction on the form and remembered to declare the 2008 convictions TM was unable to explain this oversight on his part.
- 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 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 Private Hire Driver's Licence held by TM be suspended for a period of 3 months.

**PSP
79.9/11**

REPORT OF THE CONVICTION OF A HACKNEY CARRIAGE DRIVER - RZI

(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 any

action is required as a result of a court conviction since the grant of a hackney carriage driver's licence.

It was noted that in view of the fact RZI had disclosed his conviction on his application form, he should not have been issued with a licence that lasts until June 2012. He should instead have been issued with a short term licence pending further investigation of the details of his conviction.

RZI was in attendance accompanied by his wife.

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

RZI tabled a number of references, a copy of these is contained in the Minute Book.

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

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

- The incident related to an argument with his wife
- They have a 14 year old son who is severely disabled and needs full time care as well as other children
- Pressure had been building and the argument revolved around school fees
- During the argument he had not hit wife and had subsequently left the house
- His mother in law had called the Police and reported the incident as an assault; his daughter had also made a witness statement, even though she was not present at the time of the incident
- Upon finding out his daughter had made a witness statement he had pleaded guilty to the offence as he did not want to put her through questioning at the time she was doing her exams
- When his daughter realised the consequences of her action she tried to withdraw the statement, but as he had already pleaded guilty to the offence, withdrawal of the statement mean he would have to have had a trial

- This was the first real argument he had had with his wife
- He is required to stay at his brother's house but can visit his own house when he needs to or is required to help with care
- He has now bought a mobility vehicle for his son with borrowed money
- He has never had any other problems in 15 years of driving a taxi
- His wife confirmed his version of events and stated that her parents did not like him because she had married out of her family
- 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 the decision of the Committee.

RESOLVED - that no action be taken against RZI.

**PSP
80.9/11**

**APPLICATION FOR THE RENEWAL OF A PRIVATE HIRE
DRIVER'S LICENCE - AAA**

(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 an application for the renewal of a private hire driver's licence in the light of a recent incident.

AAA was in attendance.

The Representative of the Service Director, Legal Services reminded Members that they were not here to decide if the allegations against AAA are true.

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

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

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

- He had applied to renew his licence but been advised that he could not pending the investigation against him
- He had not been aware of the requirement to inform the Licensing Office about his arrest; he thought the CRB check covered that issue
- In relation to the allegations made against him - he had not been present when the alleged fight took place, he had only gone to the park to collect his son
- He has never had any previous problems in the 18 years he has been driving a taxi
- 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 the decision of the Committee.

RESOLVED - that the application for the renewal of a Private Hire Driver's Licence by AAA be approved.

**PSP
81.9/11**

DATE OF NEXT MEETING

RESOLVED - that the next meeting be held on Tuesday 11th October 2011 at 10.00 a.m. and is likely to be a meeting of Sub-Committee B.

(The meeting ended at 1.00 pm.)

CHAIR

BRISTOL CITY COUNCIL**MINUTES OF MEETING
OF THE PUBLIC SAFETY AND PROTECTION
SUB-COMMITTEE A
HELD ON 20th SEPTEMBER 2011 AT 10.00 AM.****PSP 78.9/11****Agenda Item No: 7****Agenda title****DETERMINATION OF ANY ACTION ARISING FROM A TRAFFIC OFFENCE,
FALSE DECLARATION AND BREACH OF LICENCE CONDITIONS - TM****Finding of Facts**

TM convicted of driving an uninsured vehicle on 11th May 2011.
TM produced a DVLA Licence that was out of date when applying to renew his Private Hire Licence on 02.08.11.
TM did not disclose the conviction of driving an uninsured vehicle when he applied renew his Private Hire Licence.

Decision

That pursuant to s.61(1)(b) the Private Hire Driver's Licence held by TM be suspended for a period of 3 months.

Reasons for Decision

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

Members noted that driving an uninsured vehicle is classified a major traffic offence in the Policy.

Members noted with concern that TM had provided an out of date DVLA Licence when applying to renew his Private Hire Licence before "finding" the new licence when prompted by the Licensing Office.

Members also noted with concern that TM had failed to disclose the conviction of driving an uninsured vehicle when he applied renew his Private Hire Licence on 02.08.11.

When asked by members why he had not disclosed the driving a vehicle without insurance offence TM maintained that he had insured the vehicle and that subsequently he had been refunded that payment for the insurance but produced no evidence to the members to persuade them that he had insured the vehicle. Given that TM had been convicted in any event members did not consider that they should go behind the conviction but nevertheless did not to give TM the opportunity to present mitigation which he was unable to do.

TM was unable to explain to members why he failed to declare the 2011 conviction but was able to remember to declare the 2008 conviction. Members considered that TM deliberately withheld that information on the application form.

Members were mindful of their policy and reminded themselves that the overriding consideration is the safety of the public. Members considered that the offence committed by TM was serious. They believed that it raised concerns about his attitude towards the safety of the public - both his passengers and other road users.

The Members were mindful of their overriding responsibility to protect members of the public and therefore the Council was entitled to expect high standards of conduct from those to whom it licensed. The Council has a duty to ensure as far as possible that those licensed to drive private hire vehicles are suitable persons in that they are safe drivers with good driving records and adequate experience. Members considered that these acts constituted a level of disorganisation and/or dishonesty that they find unacceptable for the holder of a Private Hire Driver's Licence. Members carefully considered the representations made by the TM but decided not to exercise their discretion and depart from the Council's policy. The Council's policy provides guidelines relating to the relevance of criminal behaviour provides that they were entitled to at the very least give TM a warning and at the most suspend his licence for up to six months.

Members noted that TM had not presented any exceptional circumstances for the Members to depart from the Council's policy.

The Members considered that they had reasonable cause to suspend the license held by TM for a period of 3 months.

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Chair's Signature

BRISTOL CITY COUNCIL**MINUTES OF MEETING
OF THE PUBLIC SAFETY AND PROTECTION
SUB-COMMITTEE A
HELD ON 20th SEPTEMBER 2011 AT 10.00 AM.****PSP 79.9/11****Agenda Item No: 8****Agenda title****REPORT OF THE CONVICTION OF A HACKNEY CARRIAGE DRIVER - RZI****Finding of Facts**

RZI was found guilty of battery on 1st June 2011 and sentenced to a supervision requirement community order to expire on 12th July 2012.

Decision

That no action be taken against RZI.

Reasons for Decision

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

Members noted the statement made and references provided by RZI as well his previous good record.

They also noted the evidence provided by his wife.

Therefore in spite of the conviction they decided to make an exception to their Policy in his case and take no action against him.

Chair's Signature

BRISTOL CITY COUNCIL

**MINUTES OF MEETING
OF THE PUBLIC SAFETY AND PROTECTION
SUB-COMMITTEE A
HELD ON 20th SEPTEMBER 2011 AT 10.00 AM.**

PSP 80.9/11

Agenda Item No: 9

Agenda title

**APPLICATION FOR THE RENEWAL OF A PRIVATE HIRE DRIVER'S
LICENCE - AAA**

Finding of Facts

AAA is being investigated by the Police into an alleged incident that took place on 29th July 2011.

Decision

That the application for the renewal of a Private Hire Driver's Licence by AAA be approved.

Reasons for Decision

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

Members noted the previous good record of AAA and that he has not been charged with any offence(s).

Members therefore agreed to approve the renewal of his licence.

Chair's Signature