

BRISTOL CITY COUNCIL

**MINUTES OF A MEETING OF THE
PUBLIC SAFETY AND PROTECTION SUB-COMMITTEE B
HELD ON 23rd AUGUST 2011 AT 10.00 AM**

- P Councillor Morris (in the Chair)
- P Councillor Davies
- P Councillor Langley
- P Councillor Leaman (left at 1pm)

PSP

60.8/11 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were no apologies for absence or substitutions.

PSP

61.8/11 DECLARATIONS OF INTEREST

There were no declarations of interest.

PSP

62.8/11 PUBLIC FORUM

No items of public forum were received.

PSP

**63.8/11 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

64.8/11 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

65.8/11

COMPLAINT OF SMOKING IN A LICENSED VEHICLE AND OF INCONSIDERATE DRIVING - HOLDER OF PRIVATE HIRE DRIVER LICENCE AAA.

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

This item was deferred at the request of AAA. Members were concerned to hear that the driver had been issued with a temporary (2 month) Driver Licence that would allow him to continue operating until the complaint had been heard. It was agreed that officers would investigate the circumstances relating to the allocation of the temporary licence and provide Members with an explanation regarding why AAA was considered a fit and proper person.

RESOLVED - that the hearing be deferred until the next meeting.

THE FOLLOWING ITEM WAS CONSIDERED IN OPEN (NON-EXEMPT) SESSION

PSP

66.8/11

HACKNEY CARRIAGES THAT DO NOT COMPLY WITH THE CURRENT POLICY IN RESPECT OF PERMITTED ADVERTISING. APPLICANT: AFC TAXI

The Sub-committee considered a report of the Director of Neighbourhoods (agenda item no. 7) regarding a request that company advertising be permitted on vehicles operated by AFC Taxi Limited, other than in accordance with the policy covering such matters.

MC (Director of AFC Taxis) and two colleagues (EA and CG) were in attendance.

Images of the taxi advertising were tabled at the meeting, a copy of which could be found in the minute book. Members were also advised that a taxi was parked outside, and the meeting was briefly adjourned to allow the Committee to conduct a full inspection.

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

The report was summarised by the Licensing Officer, following which MC was invited to comment on the application. During his opening statement and in response to questions from Members he advised the Committee that;

- He was the director of several taxi related companies.
- He had supported Bristol City Council during the proposal to introduce 'Bristol Blue' taxis and campaigned to permit taxis to use the bus lanes. He felt he'd helped the taxi industry and was proud of his achievements.
- He wished to be permitted to have 'AFC Taxis' branding on his fleet of vehicles since it helped customers to ensure they were using the firm they had booked, which helped to promote health and safety.
- His vehicles had displayed the company name on the rear window for the last 15 years. Part of his justification for making the application was that the signs had been in situ for an extended period without incident.
- There had only ever been one complaint about AFC Taxis (because a private hire vehicle was thought to be labelled 'taxi') but following investigation the matter was dismissed by the Enforcement Officer.
- The vehicles had a total of three adverts; the large wording on the rear window and also two small displays on either side of the taxi licence plate, which were primarily there to provide the Police with information about the vehicle. He would be happy to remove the small displays if requested.
- He didn't wish to add brand logos to the side of his vehicles (which was permitted) because he preferred to reserve those areas for paid advertising.
- When the 'Bristol Blue' policy was adopted it was agreed that exceptions to the policy could be sought, providing the Public Safety and Protection (PSP) Committee was in agreement.
- The wording on the rear window was a transfer that could easily be removed. The style of advertising had been approved by the Vehicle and Operator Services Agency (VOSA).
- The advertising had not prevented his vehicles from passing the Ministry of Transport (MOT) test. In his opinion the mandatory headrests were a more significant obstruction to rear view vision.

The legal advisor to the Committee offered the following advice;

- The 'Bristol Blue' policy was intended to be strictly applied. The test for making an exception should be whether the application could be granted without undermining the purpose of the policy.
- It was not clear whether Members had intended to include the glazed areas when they made the decision that advertising could only be on a vehicle's sides. If an exception was made for AFC Taxis it would be prudent for a report to go to a meeting of the full PSP Committee for clarification of the policy.

Members of the Committee commented as follows on the information provided;

- Allowing the application could result in other firms following suit, but potentially with more obtrusive advertising.
- The role of the Committee was to uphold health and safety standards.

All parties, including the representative of the Director of Neighbourhoods left the room whilst Members reached their decision. Details of the Committee's findings and the reasons for the decision are set out in Appendix 1.

Upon their return, the Chair advised that the Committee had opted to defer the decision until the next meeting of the full PSP Committee to allow advice to be sought from VOSA regarding the safety of advertising on vehicle windows.

RESOLVED - that the decision be deferred to the next meeting of the full PSP Committee.

**PSP
67.8/11**

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

68.8/11

OBTAINING THE GRANT OF A HACKNEY CARRIAGE DRIVER'S LICENCE BY WAY OF FALSE DECLARATION AND UNDISCLOSED CONVICTION - YMH.

(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) determining what action should be taken as a result of undisclosed convictions in relation to the grant of a Hackney Carriage Driver's Licence to YMH.

YMH did not attend the meeting but due to the seriousness of the allegations the Committee opted to proceed with the hearing.

The Licensing Officer introduced the report. It was noted that the reference to the letter of support referred to in the papers was an error as no such letter had been submitted.

Details of the Committee's finding and reasons for their decision are set out in Appendix 2.

RESOLVED - that YMH's Hackney Carriage Driver's Licence be revoked because the Committee were not satisfied that he was a fit and proper person to hold such a licence.

PSP

69.8/11

REPORT OF THE CONVICTION OF A PRIVATE HIRE DRIVER SA.

(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. 10) considering whether any action be required as a result of a court conviction since the grant of a Private Hire Driver's Licence.

SA was not in attendance, but the matter was heard in his absence because the allegations were of a serious nature.

The Licensing Officer introduced the report, summarising the salient points.

Details of the Committee's finding and reasons for the decision are set out in Appendix 3.

RESOLVED - that SA's Private Hire Driver's Licence be revoked because the Committee were not satisfied that he was a fit and proper person to hold such a licence.

**PSP
70.8/11**

APPLICATION FOR THE GRANT OF A HACKNEY CARRIAGE DRIVER'S LICENCE - 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. 11) considering an application for the grant of a Hackney Carriage Driver's Licence.

AA was in attendance.

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

The Licensing Officer summarised the report, highlighting the key points for those present. She provided Members of the Committee with AA's driving licence for their perusal. She went on to confirm that two letters of support had been submitted which had not been included in the Committee papers. The letters were read out by the Legal Advisor. Details were as follows;

The proprietor of Halo Restaurant (SG) commented that;

- He had known AA for two years, and had employed him in a part time position since February 2011.
- AA's duties included cashing up and he had always found him to be honest, hard working, reliable and trustworthy.
- He was unfortunately unable to offer full time employment for AA at the current time.

The president of Bristol Jamia Mosque had written to advise the Committee that;

- AA had been treasurer to the Mosque since he was elected in 2005. He was responsible for up to £50K at any one time.

- He carried out his duties with diligence and there had been no complaints regarding his conduct.
- AA assisted with after school classes for children.
- The Mosque had a collective mandate to serve honourably.
- AA's character was steadfast and impeccable.
- AA had accepted the Jury's verdict following his court case and he viewed the crime he had committed as wholly regrettable.
- AA's application for a licence should be granted to enable him to serve the public.

AA had written in support of his application, asking that the following be taken into account;

- He was sorry for his dishonesty. He acknowledged his mistake and had learnt from it.
- He'd been punished for his crime and suffered significant mental and financial stress.
- He was only human and everyone made mistakes so he would like to be given another chance.

The Chairman confirmed that the letters of support had been noted. AA was then invited to make his case, and he went on to state the following during his introduction and also in response to queries from Members;

- He would like to reiterate how sorry he was.
- He had an arranged marriage and his inlaws blackmailed him into helping them claim benefits they weren't entitled too. They said he owed them because they'd helped him move to the UK for a better life. He no longer spoke to his in laws but they still attempted to emotionally blackmail him.
- He should have been stronger and refused to get involved, but he was stupid and agreed when his inlaws said 'just sign here.' He admitted that he had assisted them knowingly but he had not personally made any financial gain.
- He had lived in the UK for almost 20 years and during this time he had always worked and hadn't claimed any benefits.
- He wanted to put the incident behind him and move forward with his life
- He was treasurer at a mosque where he had access to up to £50K. He was trusted enough to be permitted to continue with his duties. In his part time job at Halo Restaurant he also handled money and there hadn't been any concerns about his honesty.

- He had been a taxi driver from 2002 to 2009 and not been the subject of any complaints. He often needed to deal with difficult customers and always tried to seek an amicable compromise in tricky situations.
- If customers left money or possessions in his taxi he either handed them back or gave them to the Police.
- He was arguing with his wife and his marriage was 'on the rocks.' If he was unable to work then he had to spend more time at home, which could result in increased confrontation. He really didn't want to be separated from his children.
- He had never tried to hide his criminal record.
- The City Council's guidelines stated that following a conviction a new licence would usually be granted within 3 to 5 years. He had four children to support, so he needed to get back to work as soon as possible.
- Prior to securing part time employment in a restaurant he had been working as a casual driver through an employment agency, but assignments had been sporadic.
- He was in debt to family and friends.
- He had paid his fine in full in 2009, including £10K compensation.

The Licensing Officer confirmed that AA had disclosed his conviction on his application form.

The Legal Advisor to the Committee commented that AA appeared to have changed his opinion about his involvement in the criminal activity since the minutes of the hearing on 19th May 2009 stated that he didn't accept culpability. In response, AA commented that he had been unable to admit his involvement previously because he'd been following advice from his legal representative, who was linked to his inlaws. He was worried about recriminations from his in laws if he admitted what he'd done.

AA summed up his case. All parties withdrew whilst Members reached their decision.

Details of the Committee's findings and reasons for the decision are set out in Appendix 3.

All parties and the representative of the Director of Neighbourhoods returned to the room to be advised of the decision of the Committee.

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

INFORMATION ITEM

PSP

71.8/11 DATE OF NEXT MEETING

RESOLVED - that the next meeting be held on Tuesday 20th September 2011 at 10.00 am and is likely to be a meeting of Sub-Committee A.

(The meeting ended at 3.15pm)

CHAIR

BRISTOL CITY COUNCIL
MINUTES OF A MEETING
OF THE PUBLIC SAFETY AND PROTECTION
SUB-COMMITTEE B
HELD ON 23RD AUGUST 2011 AT 10.00 A.M.

PSP 61.8/11

Agenda Item No: 9

Agenda title

OBTAINING THE GRANT OF A HACKNEY CARRIAGE DRIVER'S LICENCE BY WAY OF FALSE DECLARATION AND UNDISCLOSED CONVICTION - YMH

Finding of Facts

That YMH had failed to declare a conviction for violent behaviour in a police station on 20th October 2008 when he applied for a grant licence on 6th June 2011. Evidence had therefore been provided that YMH had a criminal record and had behaved dishonestly by choosing not to declare his conviction.

Decision

That YMH'S Hackney Carriage Driver's Licence be revoked because the Committee were not satisfied that he was a fit and proper person to hold such a licence.

Reasons for Decision

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

As YMH did not attend the hearing there was no information presented which enabled them to conclude that they should depart from the City Council's policy regarding criminal conduct.

Members noted that YMH had failed to declare his conviction on 2 occasions, which raised serious concerns about his honesty. They also commented that the nature of his offence – violent behaviour in a police station – cast doubts over his suitability to hold a Driver's Licence. The Committee therefore concluded that YMH did not meet the fit and proper person test so unanimously agreed to revoke his licence.

Chair's Signature

BRISTOL CITY COUNCIL

**MINUTES OF A MEETING
OF THE PUBLIC SAFETY AND PROTECTION
SUB-COMMITTEE B
HELD ON 23RD AUGUST 2011 AT 10.00 A.M.**

PSP 62.8/11

Agenda Item No: 10

Agenda title

REPORT OF THE CONVICTION OF A PRIVATE HIRE DRIVER - SA

Finding of Facts

That SA had pleaded guilty to a charge of using criminal property (Housing Benefit and Council Tax) on 15th June 2011.

Decision

That SA's Private Hire Driver's Licence be revoked because the Committee were not satisfied that he was a fit and proper person to hold such a licence.

Reasons for Decision

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

As SA did not attend the hearing there was no information presented which enabled them to conclude that they should depart from the City Council's policy regarding criminal conduct.

Members noted that SA had pleaded guilty to fraud, which was listed in the City Council's policy as one of the more serious crimes. They agreed that no evidence had been provided to suggest that SA met the fit and proper person test so they unanimously agreed to revoke his licence.

Chair's Signature

BRISTOL CITY COUNCIL**MINUTES OF MEETING
OF THE PUBLIC SAFETY AND PROTECTION
SUB-COMMITTEE B
HELD ON 23RD AUGUST 2011 AT 10.00 A.M.****PSP 63.8/11****Agenda Item No: 11****Agenda title****APPLICATION FOR THE GRANT OF A HACKNEY CARRIAGE DRIVER'S LICENCE - AA****Finding of Facts**

That AA had been convicted of dishonesty by allowing or causing others to produce false documents to obtain Housing Benefit and Council Tax Benefit. The City Council's policy stated that Driver's Licence applicants should be free of conviction for 3 to 5 years. Due to the serious nature of AA's offence, the policy indicated that he should not be permitted to have a Driver's Licence until May 2013.

Decision

That AA's application for the grant of a Hackney Carriage Driver's Licence be refused as the Committee did not have sufficient evidence to convince them to depart from their policy relating to convictions, and because AA hadn't passed the fit and proper person test.

Reasons for Decision

Members considered very carefully all of the evidence presented to them both in writing and verbally at the hearing.

Members had regard to the City Council's policy on criminal behaviour and noted that the offence in respect of which AA had been found guilty was relatively serious, therefore the policy recommended that the starting point would usually be to refuse the application until the conviction was 5 years old.

As the City Council had adopted the aforementioned policy and AA was seeking to be treated as an exception to that policy, the burden of proving that an exception should be made was down to the individual. Further, the burden of proof also rested on AA to satisfy the Committee that he was a fit and proper person to hold a Hackney Carriage Driver's Licence.

The Committee noted that AA had provided two character references, which did

provide some assurance that he could behave with honesty and integrity. They also noted that he now admitted the part he had played in the fraudulent activity and appeared to be remorseful. However, the Committee had a duty to protect members of the public and AA had been convicted of a serious crime, as indicated by the fine imposed upon him. Members agreed that it was far too soon for them to consider an application for a Driver's Licence and indicated that it was likely that a licence wouldn't be granted until the latter part of the 3-5 years conviction free period.

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

Chair's Signature