

**MINUTES OF A MEETING OF THE
PUBLIC SAFETY AND PROTECTION SUB-COMMITTEE A
HELD ON 30TH MAY 2012 AT 10.30 A.M.**

P Councillor Alf Havvock
P Councillor Fi Hance
P Councillor Brenda Hugill
P Councillor Jay Jethwa

**PSP
22.5/12**

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 2012/13 Municipal Year; and**
 - (2) that Councillor Jethwa be elected Vice-Chair of the Public Safety and Protection Sub-Committee A for the 2012/13 Municipal Year.**

**PSP
23.5/12**

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

No apologies and no declarations of interest were received.

**PSP
24.5/12**

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 30th May 2012.**

**PSP
25.5/12**

PUBLIC FORUM

No Public Forum.

**PSP
1**

26.5/12 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

27.5/12 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

28.5/12 APPLICATION FOR THE GRANT OF A PRIVATE HIRE DRIVER'S LICENCE - AH.

(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.

AH was in attendance.

The Chair explained the procedure that would be followed.

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

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

- AH stated that he had failed one knowledge test but had passed the DSA test and had the certificate as proof;
- there was an error in the report for the 21 June 2007 conviction, the disposal had been 9 months suspended prison sentence and not 9 months imprisonment as set out in the report. He had the relevant paperwork as proof of this;
- AH had been a taxi driver in Derby for three years and had received no complaints. He had dealt with the public daily and had experienced racism and customers not paying and had handled himself in a manner befitting a taxi driver;
- He had held a driving licence for 20 years but the points had all been accrued in 2011 which co-incided with family problems which had put him under a lot of pressure;
- The stretch of road where he been found speeding had been dimly lit and was not familiar to AH who had been focussing on directional signs;
- The criminal conviction in June 2007 was a domestic dispute that should not have gone that far and his wife had subsequently asked for the charges to be dropped. The Police advised that the matter had to be pursued as a complaint had been made. The incident actually looks worse on paper than in reality;
- AH had in the past led a turbulent life but had learned from his mistakes and simply wanted to get on with his life and earn a living;
- During questioning, it was noted that AH had not purposely withheld information regarding his CRB check. He was aware that it was not possible to hide information of this sort as he knew officers would do a CRB check. He had simply responded factually. The Sub-Committee's Legal Advisor advised that AH's response had been factually correct and it was noted that the form had now been changed and asked a different question

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 AH be granted for a time limited period of one year and this be subject to the applicant passing the knowledge and Driving Standards Agency tests.

PSP

29.5/12

DATE OF NEXT MEETING

RESOLVED - that the next meeting will be held on Tuesday 3rd July 2012 at 10.00 am and is likely to be a meeting of Sub-Committee B.

(The meeting ended at 12.10 pm.)

CHAIR

BRISTOL CITY COUNCIL**MINUTES OF MEETING
OF THE PUBLIC SAFETY AND PROTECTION
SUB-COMMITTEE A
HELD ON 30TH MAY 2012 AT 10.30 A.M.****PSP .5/12****Agenda item no: 7****Agenda title****APPLICATION FOR THE GRANT OF A PRIVATE HIRE DRIVER'S LICENSE -
AH****Finding of Facts**

Mr AH applied for the grant of a new PHD licence on 17 October 2011. As part of the application, Mr AH was required to obtain an Enhanced Criminal Record Certificate (Disclosure). It revealed Court Convictions. A check with the DVLA revealed driving licence endorsements.

Decision

That the convictions and endorsements referred to in the report should not be considered a bar against Mr AH proceeding with an application for a Private Hire Driver's Licence which should be time-limited to one year.

Reasons for Decision

The Sub-Committee considered very carefully all of the written and verbal evidence presented to them.

They took into account the Council's policy on driving offences and noted that those hybrid offences with 3 or fewer penalty points should be treated as minor traffic offences and noted that each of Mr AH's driving offences had resulted in three points and were therefore considered minor offences. The policy for minor traffic offences sets out that the number, type, and frequency should be taken into account and that the applicant will be expected to show a period free of conviction of at least 6 months. The Sub-Committee agreed that the type and frequency should not be considered a bar to application. They also noted that the applicant had been clear of conviction for 8 months.

The Sub-Committee also took into account the Council's policy regarding convictions and found that the convictions were outside the policy as two of them demonstrated at least 5 years free of conviction. The policy was silent regarding

illegal entry into the UK and although it was noted that a conviction was never spent if exceeding two and a half years, as was the case for Mr AH, the Sub-Committee agreed that this had happened 17 years ago and should not be used as a bar against application.

Finally, the Sub-Committee took note of the circumstances of the applicant as described by him at the hearing and in writing and found that he was not a danger to the public and that his difficult personal circumstances had brought about the driving offences and prior to them, he had a good record as a PHD. He was also aware of his responsibilities to the public and the Sub-Committee noted his desire to earn a living in the only way he knew how. The Sub-Committee agreed that it would be prudent to time-limit the licence to one year so that Mr AH could demonstrate his previous good record.

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 22.5/12

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