

AGENDA ITEM NO. 5 O

BRISTOL CITY COUNCIL

MINUTES OF A MEETING OF THE PUBLIC SAFETY AND PROTECTION SUB-COMMITTEE B HELD ON 27TH NOVEMBER 2012 AT 10.00 A.M.

P Councillor Chris Davies
P Councillor Jay Jethwa (in the Chair)
P Councillor Mike Langley
A Councillor Tim Leaman
A Councillor David Morris

PSP

106.11/12 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies were received from Councillor Leaman and Councillor Morris, his substitute was Councillor Jethwa.

PSP

107.11/12 DECLARATIONS OF INTEREST

No further declarations were received.

PSP

108.11/12 PUBLIC FORUM

A statement was received from the National Taxi Association and a copy of the statement is contained in the Minute Book.

PSP

109.11/12 CONSIDERATION OF THE SUSPENSION OF COMMITTEE PROCEDURE RULES (CMR 10 AND 11) RELATING TO THE MOVING OF MOTIONS AND RULES AND 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

110.11/12 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

111.11/12 APPLICATION FOR THE GRANT OF A PRIVATE HIRE DRIVER'S LICENCE - GT

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

The Sub-Committee considered a exempt report of the Director of Neighbourhoods (Agenda Item No. 6) considering an application for the grant of a Private Hire Driver's Licence.

GT was 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. He advised that the witness would not be attending the meeting. He confirmed that GT had not completed a consent form to enable BCC to obtain a reference about GT from First Bus.

GT put forward his case and answered questions highlighting the following:

- He worked for First Bus for 2 years and had produced a reference which is attached to the report at Appendix G; First Bus were very satisfied with his work and he only left to become a taxi driver
- He apologised for being aggressive to staff; he did not swear at anyone, but he had raised his voice

- He is a reasonable person who works hard and has a family to support
- He has completed all of the parts of the fit and proper test but even though it is over 2 years since he first applied for a license, he has still not been granted one; had he been advised that the process would take so long, he would not have pursued the issue of applying for a license
- He has become frustrated with the Licensing Section as he feels that nobody wants to speak to him
- His CRB check has prevented him from obtaining a license even though he was acquitted by the Crown Court
- He has a license from North Somerset Council
- He has requested but been refused a refund of his application fee
- He was frustrated and angry, and under a lot of pressure at the time he lodged the racist complaint against 2 Officers; he felt that the procedure was taking too long, and that he was being ignored and not receiving answers as to why it was taking so long for his application to be determined
- He summed up his case

The Licensing Officer explained that most applicants are brought before Committee before taking any parts of the fit and proper test if their CRB Check shows any negative information. Some applicants however, including GT, have been allowed to take the other parts of the fit and proper test before being brought before Committee for their application to be determined. He assured everyone that this was nothing personal in relation to GT. He also confirmed that GT took the Knowledge Test 8 times before passing it. This had obviously caused a delay in his application being processed.

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

PSP

112.11/12 APPLICATION FOR THE GRANT OF A PRIVATE HIRE DRIVER'S LICENCE - DDR

(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 an application for the grant of a Private Hire Driver's Licence.

DDR was 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.

DDR put forward his case and answered questions highlighting the following:

- He was disqualified under the totting up procedure
- He had not aware of the 6 points added to his license which triggered the totting up disqualification; these 6 points related to an offence when he had committed an offence whilst driving a vehicle not owned by him; he became aware of the 6 points when he attended court in relation to another incident
- The court appearance related to an accident involving a motor cyclist; the motorcyclist was convicted of an offence; he was also convicted of driving without due care and attention

- He submitted a letter dated 10th October 2012, attached to the Report at Appendix C; he has never had any other problems and feels that he has been punished enough by the disqualification; he is suffering great financial hardship
- 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 the application by DDR for a Private Hire Driver's License be refused as he has not convinced the Council that he is a fit and proper person to hold such a license.

PSP

113.11/12 APPLICATION FOR THE GRANT OF A HACKNEY CARRIAGE DRIVER LICENCE – FOA

(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 an application for the grant of a Hackney Carriage Driver Licence.

FOA was 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.

FOA put forward his case and answered questions highlighting the following:

- He has a clean driving license and has never had any kind of conviction during his life; he was taxi driver a number of years ago
- He has now retired from his previous job but still needs to work
- He was caught speeding - 56 mph in a 30 mph zone - whilst taking his daughter to school; he was fined and unexpectedly banned from driving for 7 days
- After the court case he needed to move his car from the car park where he left it; he was accompanied by a colleague when he moved the car a short distance and parked it on the street
- However he worked for the CPS at the time and his manager reported the matter to the Police although she was aware of his situation; his manager did not like him
- This led to his conviction on 1st September 2011
- 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 hear the decision of the Committee.

RESOLVED - that the application by FOA for a Hackney Carriage Driver's License be granted, subject to him passing the other parts of the fit and proper person test.

PSP

114.11/12 APPLICATION FOR THE GRANT OF A PRIVATE HIRE DRIVER LICENCE SEEKING DEPARTURE FROM COUNCIL POLICY - AS

(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 grant of a Private Hire Driver (PHD) licence.

AS was in attendance accompanied by a friend.

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

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

AS put forward his case and answered questions highlighting the following:

- He was very sorry about the incident and is very embarrassed; it would never happen again
- He saw a woman in street and picked her up, but he was followed by the Police
- He has lived in Bristol for 7 years and is getting married next year
- He summed up his case

His friend made a statement on his behalf - he has been a friend for 6 to 7 years and he is trustworthy and hard working; he is very embarrassed by the incident.

The Licensing Officer confirmed that AS had included the offence on his application form even though the offence did not show up on his CRB check. (It was established that Soliciting had not become a notifiable offence until July 2012.) He also advised Members that AS has now passed all of the parts of the fit and proper person test.

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 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 - that the application by AS for a Private Hire Driver's License be granted.

INFORMATION ITEM

PSP

115.11/12 DATE OF NEXT MEETING

RESOLVED - that the next meeting be held on Tuesday 18th December 2012 at 10.00 a.m. and is likely to be a meeting of Sub-Committee A.

(The meeting ended at 3.20 pm.)

CHAIR

BRISTOL CITY COUNCIL

**MINUTES OF MEETING
OF THE PUBLIC SAFETY AND PROTECTION
SUB-COMMITTEE B
HELD ON 27TH NOVEMBER 2012 AT 10.00 AM**

PSP 111.11/12

Agenda item no: 6

Agenda title

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

Finding of Facts

GT appeared before the PSP Committee on 27th November 2011 but no determination of his application was made pending receipt of further information and additional steps to be taken.

Decision

That the application by GT for a Private Hire Driver's License 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 in certain situations GT could become volatile and aggressive. They also noted with concern that GT had made accusations of racism against 2 Officers without any evidence to support his accusations. They did note that there was some confusion and doubt for GT about the situation concerning his application. However they were not convinced that GT is a fit and proper person to hold a Private Hire Driver's License and therefore refused his application.

They noted that GT may wish to submit another application. Should he wish to do so, they suggested that he obtain written references from North Somerset Council, First Bus and his current employer to support his application.

Members made it clear that these suggestions gave no guarantees concerning the decision any future Committee may come to. They also made it clear that the outcome of his Crown Court Trial played no part in the decision taken by them at this Meeting.

Chair's Signature

BRISTOL CITY COUNCIL

**MINUTES OF MEETING
OF THE PUBLIC SAFETY AND PROTECTION
SUB-COMMITTEE B
HELD ON 27TH NOVEMBER 2012 AT 10.00 AM**

PSP 112.11/12

Agenda item no: 7

Agenda title

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

Finding of Facts

DDR was disqualified from driving under the totting up procedure on 28th February 2012.

Decision

That the application by DDR for a Private Hire Driver's License 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 DDR was disqualified from driving under the totting up procedure. They also noted that he was found guilty of driving without due care and attention. They did not consider that they had heard enough evidence to convince them that they should make an exception to their Policy in the case of DDR. They therefore refused the application.

Chair's Signature

Appendix 3

BRISTOL CITY COUNCIL

**MINUTES OF MEETING
OF THE PUBLIC SAFETY AND PROTECTION
SUB-COMMITTEE B
HELD ON 27TH NOVEMBER 2012 AT 10.00 AM**

PSP 113.11/12

Agenda item no: 8

Agenda title

**APPLICATION FOR THE GRANT OF A HACKNEY CARRIAGE DRIVER'S
LICENCE - FOA**

Finding of Facts

DDR was convicted of Using a Vehicle While Uninsured and Driving Whilst Disqualified on 1st September 2011.

Decision

That the application by FOA for a Hackney Carriage Driver's License be granted, subject to him passing the parts of the fit and proper person test.

Reasons for Decision

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

They noted his previous good record. They also noted the particular circumstances of his conviction and decided that this should not be a barrier to him being granted a license. They therefore decided to make an exception to their Policy in this case and grant a license.

Chair's Signature

BRISTOL CITY COUNCIL

**MINUTES OF MEETING
OF THE PUBLIC SAFETY AND PROTECTION
SUB-COMMITTEE B
HELD ON 27TH NOVEMBER 2012 AT 10.00 AM**

PSP 114.11/12

Agenda item no: 9

Agenda title

**APPLICATION FOR THE GRANT OF A PRIVATE HIRE DRIVER'S LICENCE
SEEKING DEPARTURE FROM THE COUNCIL POLICY - AS**

Finding of Facts

AS was convicted of Solicitiing on 24th November 2010.

Decision

That the application by AS for a Private Hire Driver's License be granted.

Reasons for Decision

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

They noted that he owned up to the offence and that he was very apologetic. They also noted the offence took place two years ago. They therefore decided to make an exception to their Policy in this case and grant a license.

Chair's Signature