

Bristol City Council
Minutes of the Public Safety and Protection
Committee



15 August 2017 at 12.30 pm

Members Present:-

Councillors: Nicola Bowden-Jones, Richard Eddy (Vice-Chair), Carole Johnson, Mike Langley and Paula O'Rourke

Officers in Attendance:-

1. Apologies

Apologies were received from Councillor Davies.

2. Declarations of Interest

None.

3. Public Forum

None.

4. Suspension of Committee Procedure Rules CMR10 and CMR11 Relating to the Moving of Motions and Rules of Debate

RESOLVED:

That the committee procedure rules relating to the moving of motions and the rules of debate (CMR 10 and 11) be suspended for the duration of the meeting.

5. Exclusion of the Press and Public

RESOLVED:



That under Section 11A (4) of the Local Government Act 1972, the public be excluded from the meeting on the grounds that the business to be considered involves the likely disclosure of exempt information as defined in Part 1 of Schedule 12A to the Act, as amended.

6. Application for the Grant of a Hackney Carriage Driver Licence - MN

The sub-committee considered an application for the grant of a Hackney Carriage driver licence seeking a departure from Council policy.

The Licensing Officer outlined key details relating to this application, as per the report, and responded to questions from members.

It was noted that a departure from policy was sought by the applicant in view of the mitigating circumstances which affected his ability to undertake and reach the required standard in relation to the knowledge test.

The applicant then presented his case, with reference to documents included in the agenda pack, i.e. a letter from himself and a diagnostic assessment report from the British Dyslexia Association. The applicant responded to questions from members.

The applicant also highlighted the fact that he was an experienced private hire taxi driver, operating since 2001.

After questions had been concluded, both the Licensing Officer and the applicant summed up.

The Licensing Officer and the applicant left the room whilst the Sub-Committee considered its decision.

The sub-committee members considered very carefully all of the written and verbal evidence as presented.

The sub-committee received and noted the following legal advice: The applicant had provided a diagnostic assessment report from the British Dyslexia Association which had referred to adjustments that could be made in terms of carrying out a knowledge test for this applicant. In conducting the knowledge test, officers had applied these recommendations to the applicant's situation as reasonable adjustments.

Following further discussion, members noted further legal advice that, if a fresh application were to be made, the applicant could, at the time of application, discuss with officers the options around further reasonable adjustments that may be available in terms of delivering the knowledge test appropriate to his individual needs. This could potentially involve consideration of an option of a "physical" knowledge test being carried out involving the use of a vehicle, although it was noted that the availability of such an option would need to be the subject of a professional officer assessment, including consideration of all relevant legal, practical, financial, health and safety and insurance implications.



The committee felt that aside from the individual circumstances of this case, officers should review the current arrangements for carrying out the knowledge test in terms of its accessibility and being “fit for purpose” and report back to the Public Safety and Protection Committee on the outcome of the review.

In relation to this application, having considered all the evidence presented and taken into account the legal advice received, the sub-committee

RESOLVED –

1. That this application for the grant of a Hackney Carriage driver’s licence seeking departure from Council policy be refused, on the technical grounds as stated in the officer report, i.e. the fact that the applicant had not reached the required standard in relation to the knowledge test.

2. That this sub-committee also wishes to comment as follows:

*** If the applicant wishes to re-apply for the grant of a Hackney Carriage drivers’ licence, the relevant fee will be waived.**

*** If the applicant does re-apply for the grant of a Hackney Carriage driver’s licence, it is suggested that, at the time of application, he should liaise with licensing officers and discuss the options around further reasonable adjustments that may be available in terms of delivering the knowledge test appropriate to his individual needs.**

The Licensing Officer and the applicant returned to the room and were informed of the Sub-Committee’s decision.

7. Report of an Application for the Renewal of a Private Hire Driver Licence - MMD

The sub-committee considered an application for the renewal of a private hire driver licence.

The Licensing Officer outlined key details relating to this application, as per the report.

It was noted that the applicant had been convicted of particular criminal offences as stated in the report. The applicant had also failed to report the convictions at the time to the Licensing authority. This application contravened Council policy and the Licensing Officer’s recommendation was that the application should be refused.

The applicant then presented his case and responded to questions from members. In presenting his case, the applicant expressed regret in relation to his criminal convictions, and advised that he had learned an important lesson and would not engage in such criminal activity again.

After questions had been concluded, both the Licensing Officer and the applicant summed up.



The Licensing Officer and the applicant left the room whilst the Sub-Committee considered its decision.

The sub-committee members considered very carefully all of the written and verbal evidence as presented.

The sub-committee received and noted the following legal advice: As per the factual information detailed in the officer report, the applicant had been convicted of criminal offences and had failed to report the convictions at the time to the licensing authority. The application was in contravention of the Council's policy, as stated in the policy guidance section of the report.

Having considered all the evidence presented and taken into account the legal advice received, the sub-committee

RESOLVED –

That this application for the renewal of a private hire driver's licence be refused on the grounds that, noting the factual information detailed in the report in relation to criminal convictions that contravene Council policy, the applicant had not satisfied the sub-committee that he is a fit and proper person to hold such a licence.

The Licensing Officer and the applicant returned to the room and were informed of the Sub-Committee's decision.

8. Application to Renew a Private Hire Driver Licence - BM

The sub-committee considered an application for the renewal of a private hire driver licence.

The Licensing Officer outlined key details relating to this application.

It was noted that the applicant had received a conviction for fraud, had committed a traffic offence, and plied for hire, all of which contravened Council policy.

The applicant then presented his case and responded to questions from members.

In presenting his case, the applicant stated that he had not been the subject of any previous convictions (prior to those referenced in the report). He also provided copies of two personal reference letters.

After questions had been concluded, both the Licensing Officer and the applicant summed up.

The Licensing Officer and the applicant left the room whilst the Sub-Committee considered its decision.



The sub-committee members considered very carefully all of the written and verbal evidence as presented.

The sub-committee received the following legal advice: As per the factual information detailed in the officer report, the applicant had received a conviction for fraud (after trial, in front of a jury), had committed a traffic offence, and plied for hire, all of which contravened Council policy, as stated in the policy guidance section of the report. In relation to the fraud conviction, it was noted that there was documentary evidence (page 53 of the agenda pack) that the applicant's barrister had advised the applicant after the court hearing that there were no grounds to appeal the conviction.

Having considered all the evidence presented and taken into account the legal advice received, the sub-committee

RESOLVED –

That this application for the renewal of a private hire driver's licence be refused on the grounds that, noting the factual information detailed in the report in relation to the applicant's conviction for fraud, a traffic offence, and plying for hire (all of which contravened Council policy), the applicant had not satisfied the sub-committee that he was a fit and proper person to hold such a licence.

The Licensing Officer and the applicant returned to the room and were informed of the Sub-Committee's decision.

9. Application for the Grant of a Hackney Carriage Driver Licence Seeking Departure from Council Policy - MZ

The sub-committee considered an application for the grant of a Hackney Carriage driver licence seeking a departure from Council policy.

The Licensing Officer outlined key details relating to this application, as per the report.

It was noted that based on the medical examination report document in the report, the Licensing Officer's recommendation was that the application be refused in line with Council policy.

The applicant then presented his case and responded to questions from members.

In presenting his case, the applicant drew attention to his previous history of good service as a Hackney carriage driver, and stated that in his view, he was medically fit to perform these duties.

After questions had been concluded, both the Licensing Officer and the applicant summed up.

The Licensing Officer and the applicant left the room whilst the Sub-Committee considered its decision.



The sub-committee members considered very carefully all of the written and verbal evidence as presented.

The sub-committee received the following legal advice: As per the factual information detailed in the report, it was clear that on health/medical grounds, as documented in the Consultant Occupational Physician's report (pages 161 – 162 of the agenda pack), the applicant did not meet the policy requirements. In particular, the applicant had failed to meet the DVLA Group 2 medical requirements.

Having considered all the evidence presented and taken into account the legal advice received, the sub-committee

RESOLVED –

That this application for the grant of a Hackney Carriage driver's licence seeking departure from Council policy be refused on the grounds that on health/medical grounds, the applicant does not meet the policy requirements.

The Licensing Officer and the applicant returned to the room and were informed of the Sub-Committee's decision.

Meeting ended at 3.45 pm

CHAIR _____

