

Public Safety and Protection Sub-Committee B Agenda



Date: Tuesday, 25 April 2017

Time: 10.00 am

Venue: City Hall

Distribution:

Councillors: Donald Alexander, Richard Eddy (Vice-Chair), Sultan Khan (Chair), Paula O'Rourke and Chris Windows

Copies to: Ashley Clark, Anne Nugent (Legal Officer), Sarah Sharland (Legal Officer), Emma Lake, Sarah Flower, Abigail Holman, Carl Knights, Wayne Jones, Andrew Lyle (Licensing Enforcement Officer), Norman Cornthwaite and Michael Bonnick

Issued by: Allison Taylor, Democratic Services

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Date: Monday, 17 April 2017



Agenda

1. Welcome, Introductions and Safety Information

(Pages 5 - 6)

2. Apologies for Absence and Substitutions

3. Declarations of Interest

To note any declarations of interest from the Councillors. They are asked to indicate the relevant agenda item, the nature of the interest and in particular whether it is a **disclosable pecuniary interest**.

Please note that the Register of Interests is available at <https://www.bristol.gov.uk/councillors/members-interests-gifts-and-hospitality-register>

Any declarations of interest made at the meeting which is not on the register of interests should be notified to the Monitoring Officer for inclusion.

4. Minutes of Previous Meeting

To agree the minutes of the previous meeting as a correct record.

(Pages 7 - 10)

5. Public Forum

Up to 30 minutes is allowed for this item.

Any member of the public or Councillor may participate in Public Forum. The detailed arrangements for so doing are set out in the Public Information Sheet at



the back of this agenda. Public Forum items should be emailed to democratic.services@bristol.gov.uk and please note that the following deadlines will apply in relation to this meeting:-

Petitions and Statements - Petitions and statements must be received on the working day prior to the meeting. For this meeting this means that your submission must be received in this office at the latest by 12.00 noon on **24 April 2017**.

- | | |
|--|------------------------|
| 6. EXEMPT - REPORT OF AN APPLICATION TO RENEW A PRIVATE HIRE DRIVER LICENCE - BH | 10.00 am |
| To seek consideration of an application to renew a Private Hire Driver (PHD) licence. | (Pages 11 - 24) |
| 7. Exempt - TO CONSIDER A FAILURE TO CARRY OUT A BOOKING FOR DISABLED PERSON AND ASSISTANCE DOG - ZF | 10.45 am |
| To consider whether to suspend, revoke, warn or take no further action in relation to a Private Hire Driver. | (Pages 25 - 41) |
| 8. EXEMPT - REPORT OF AN APPLICATION FOR THE GRANT OF A PRIVATE HIRE DRIVER LICENCE - MI | 11.30 am |
| To seek consideration of an application for the grant of a Private Hire Driver (PHD) licence. | (Pages 42 - 51) |
| 9. EXEMPT - REPORT OF AN APPLICATION FOR THE GRANT OF A PRIVATE HIRE DRIVER LICENCE - DH | 12.45 pm |
| To seek consideration of an application for the grant of a Private Hire Driver (PHD) licence. | (Pages 52 - 62) |
| 10. EXEMPT - REPORT OF AN APPLICATION FOR THE GRANT OF A PRIVATE HIRE DRIVER LICENCE - AH | 1.30 pm |
| To seek consideration of an application for the grant of a Private Hire Driver (PHD) licence. | (Pages 63 - 89) |
| 11. EXEMPT - REPORT OF AN APPLICATION FOR THE GRANT OF A | 2.15 pm |



PRIVATE HIRE DRIVER LICENCE - LB

To seek consideration of an application for the grant of a Private Hire Driver (PHD) licence. **(Pages 90 - 93)**

12. EXEMPT - REPORT OF AN APPLICATION FOR THE GRANT OF A PRIVATE HIRE DRIVER LICENCE - KS 3.00 pm

To seek consideration of an application for the grant of a Private Hire Driver (PHD) licence. **(Pages 94 - 97)**



Public Information Sheet

Inspection of Papers - Local Government
(Access to Information) Act 1985

You can find papers for all our meetings on our website at www.bristol.gov.uk.

You can also inspect papers at the City Hall Reception, College Green, Bristol, BS1 5TR.

Other formats and languages and assistance
For those with hearing impairment

You can get committee papers in other formats (e.g. large print, audio tape, braille etc) or in community languages by contacting the Democratic Services Officer. Please give as much notice as possible. We cannot guarantee re-formatting or translation of papers before the date of a particular meeting.

Committee rooms are fitted with induction loops to assist people with hearing impairment. If you require any assistance with this please speak to the Democratic Services Officer.

Public Forum

Members of the public may make a written statement ask a question or present a petition to most meetings. Your statement or question will be sent to the Committee and be available in the meeting room one hour before the meeting. Please submit it to democratic.services@bristol.gov.uk or Democratic Services Section, City Hall, College Green, Bristol BS1 5UY. The following requirements apply:

- The statement is received no later than **12.00 noon on the working day before the meeting** and is about a matter which is the responsibility of the committee concerned.
- The question is received no later than **three clear working days before the meeting**.

Any statement submitted should be no longer than one side of A4 paper. If the statement is longer than this, then for reasons of cost, only the first sheet will be copied and made available at the meeting. For copyright reasons, we are unable to reproduce or publish newspaper or magazine articles that may be attached to statements.

By participating in public forum business, we will assume that you have consented to your name and the details of your submission being recorded and circulated to the committee. This information will also be made available at the meeting to which it relates and placed in the official minute book as a public record (available from Democratic Services).

We will try to remove personal information such as contact details. However, because of time constraints we cannot guarantee this, and you may therefore wish to consider if your statement

contains information that you would prefer not to be in the public domain. Public Forum statements will not be posted on the council's website. Other committee papers may be placed on the council's website and information in them may be searchable on the internet.

Process during the meeting:

- Public Forum is normally one of the first items on the agenda, although statements and petitions that relate to specific items on the agenda may be taken just before the item concerned.
- There will be no debate on statements or petitions.
- The Chair will call each submission in turn. When you are invited to speak, please make sure that your presentation focuses on the key issues that you would like Members to consider. This will have the greatest impact.
- Your time allocation may have to be strictly limited if there are a lot of submissions. **This may be as short as one minute.**
- If there are a large number of submissions on one matter a representative may be requested to speak on the groups behalf.
- If you do not attend or speak at the meeting at which your public forum submission is being taken your statement will be noted by Members.

Webcasting/ Recording of meetings

Members of the public attending meetings or taking part in Public forum are advised that all Full Council and Cabinet meetings and some other committee meetings are now filmed for live or subsequent broadcast via the council's [webcasting pages](#). The whole of the meeting is filmed (except where there are confidential or exempt items) and the footage will be available for two years. If you ask a question or make a representation, then you are likely to be filmed and will be deemed to have given your consent to this. If you do not wish to be filmed you need to make yourself known to the webcasting staff. However, the Openness of Local Government Bodies Regulations 2014 now means that persons attending meetings may take photographs, film and audio record the proceedings and report on the meeting (Oral commentary is not permitted during the meeting as it would be disruptive). Members of the public should therefore be aware that they may be filmed by others attending and that is not within the council's control.

Bristol City Council Minutes of the Public Safety and Protection Sub-Committee B



28th February 2017 at 12.30 pm

Members Present

Councillors: Donald Alexander, Sultan Khan, Paula O'Rourke and Chris Windows.

Officers in Attendance: Ashley Clark, Legal Advisor, Carl Knights, Senior Licensing Officer, Allison Taylor, Democratic Services Officer

24. Election of Chair

Councillor Khan was elected Chair.

25. Apologies for Absence and Substitutions

There were none.

26. Declarations of Interest

There were none.

27. Minutes of the previous meeting.

These were agreed and signed by the Chair.

28. Public Forum

There was none.

29. Consideration of the Suspension of Committee Procedure Rules CMR10 and CMR11 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 Procedure Rules relating to the moving of motions and the rules of debate (CMR10 and 11) be suspended for the duration of the meeting).

30. Exclusion of Press and Public

Resolved – that under Section 11A (4) of the Local Government Act 1072, the public be excluded for the following item of business on the ground that it involves the likely disclosure of exempt information as defined in Part 1 of Schedule 12A to the Act, as amended.

31. Report of an application to renew a Private Hire Driver Licence.

It was agreed that this application be adjourned to the next meeting on 28 March 2017.

32. Report of an application to renew a Private Hire Driver Licence – AH.

The Chair made introductions and outlined the procedure.

The Licensing Policy Officer introduced the application stating that the applicant had failed to make a declaration on his application form of any offence or endorsement. However, on officers carrying out a search it became apparent that the applicant had been convicted of driving without due care and attention, fined 3 points and £137. He referred to the witness statement of the incident and the Magistrates Court letter at appendix C. The date of the letter was important as it showed that the applicant would have been aware he was under investigation. Policy stated that such applications would normally be refused if they had occurred within six months of the application. This application would have been here within six months had the condition been complied with. The Committee was recommended to refuse the application.

The following points arose from discussion:-

1. The applicant stated that he had been driving for 33 years without incident. He had bought a new car costing him £625 per month and he was unable to afford it without working;
2. His son had been completing his renewal forms for 13 years as he sometimes struggled with spelling and handwriting but his son had failed to fill in the declaration part of the form;
4. On a subsequent renewal, the applicant also failed to tick the box that he was under investigation for any criminal offence;
3. Councillor O'Rourke expressed surprise that the applicant would have not wanted to be very careful when completing the forms after an incident;
4. Councillor Alexander shared this view, adding that the applicant had been able to communicate with Sari regarding court proceedings and yet was not able to ensure his renewal was properly completed.

The Committee went into deliberations.

RESOLVED – that the Committee was not satisfied that the applicant had discharged the burden of proof that he was a fit and proper person and the application was therefore refused.

Reasons:

1. Had the applicant declared the offence in June 2015, the renewal would have come before Committee and

it would not have been likely renewed as the period of time since the offence was under six months;

2. The applicant failed to declare that he was under investigation at a subsequent renewal;
3. The applicant had therefore been given every opportunity to declare but had not done so.

Advice - The Committee suggested that the applicant reapply after 14 April 2017 by which time the application might be looked upon more favourably.

The Chair agreed to amend the order of the agenda so that Item 10 was heard.

33. Application for the grant of a Hackney Carriage driver licence seeking departure from Council policy – YKR.

The Chair made introductions and outlines the procedure.

The Committee heard that the applicant sought exemption from the Gold Standard and Knowledge Test as he used to be a Hackney Carriage driver whose licence was revoked in 2008.

The applicant explained that he was currently registered in South Gloucestershire but wished to work in Bristol where it was busier. He knew all the roads from previously working in Bristol.

A friend of the applicant spoke in support of him.

The Committee went into deliberations.

RESOLVED – that the exemption of the Knowledge Test be granted but the applicant undertake the Gold Standard and subject to passing this, the applicant was considered a fit and proper person.

Reasons:-

1. The applicant was an experienced driver who knew Bristol very well;
2. All new Hackney Carriage drivers were required to pass the Gold Standard and subject to this, the applicant was a fit and proper person.

34. Application for the renewal of a Hackney Carriage driver licence – FF.

The Chair made introductions and outlines the procedure.

The Committee heard that the applicant had applied to renew his licence on 10 February, whilst his licence expired on 12 February. He declared upon renewal an SP50, a speeding fine on 13 September 2015 for which he received 6 points on his licence. This was considered a Major Traffic Offence. It was noted that the conviction was on 12 May 2016 and the sentencing on 15 September 2016. Council policy on such convictions was that that such renewals would normally be refused if within 6 months of conviction.

The applicant explained that he was returning from a personal trip to London and was distracted by a family matter.

The Committee went into deliberations.

RESOLVED – that the application for renewal be granted.

Reasons:-

1. The Committee was satisfied that the applicant was a fit and proper person;
2. The applicant had declared the conviction on the first opportunity to do so;
3. The Committee was not departing from their policy based on the conviction date being outside of the six month period where such applications would normally be refused;
4. The Committee acknowledged that this was a very serious matter, earning six points on the applicant's licence and would not expect this to happen again.

Meeting ended at 3.15pm.

CHAIR _____

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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