

# Bristol City Council

## Minutes of the Public Safety and Protection Committee Sub B



**19 September 2017 at 10.00 am**

### **Members Present:-**

**Councillors:** Ruth Pickersgill (Chair), Lucy Whittle and Chris Windows

### **Officers in Attendance:-**

Ashley Clark (Legal Advisor), Sarah Flower (Licensing Policy Advisor), Wayne Jones, Claudette Campbell (Democratic Services Officer) and Oliver Harrison (Democratic Services Officer)

### **1. Apologies**

There were no apologies for absence.

### **2. Declaration of Interest**

Cllr Ruth Pickersgill, withdrew from the discussion in respect of Agenda Item 6, when it became apparent she was aware of the party involved in this matter.

### **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. Conviction of a Hackney Carriage Driver's Licence - JAS**

JAS was in attendance.

The sub-committee considered the appropriate action following a driving conviction in relation to granting a Hackney Carriage driver licence.

The Licensing Officer outlined key details set out in the report.

The applicant then presented his case, supported by Cllr Bradley and a trade representative. Reference was made to the letters in support that had been attached to the report.

The applicant provided details of the incident that incurred on the 17<sup>th</sup> November 2016 and issues arising from the road traffic accident. The incident was with a cyclist and all emergency services were present. The cyclist was hospitalised sustaining a head injury. The impact was on the driver's side wheel arch following a collision. The applicant confirmed that he had proceeded through the junction on a green light.

The applicant has held his license since 1995/2000 so had 20 years experience driving a taxi without major issues. He confirmed that he co-operated fully with the police and immediately advised Licensing of the incident and pending prosecution. He also adopted the principles of Restorative Justices by sending a letter to the injured party with an apology. He had also contacted Sustrans to undertake training to ensure that he was cyclist aware. He further advised that he had been without an income for 4 months as a result of the suspension of his driving licence.

Cllr Bradley addressed the sub-committee advising that she was in attendance to support JS and endorse him as a person of good character. JS was resident in her constituency; his actions to mitigate the situation demonstrated his remorse; the impact had been felt by him emotionally and by his family economically.

MA friend in support addressed the sub-committee confirming he had attended in support of JS and substantiate the letter sent in support that attested of JS good character.

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

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

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

The sub-committee received and noted the legal advice and considered:



As per the factual information detailed in the officer report, the applicant had been convicted following the road traffic incident receiving a 4 month ban that ran from 20<sup>th</sup> June 2017 to 20<sup>th</sup> October. The Hackney Licence was due for renewal on the 31<sup>st</sup> October. That Council Policy directed that drivers were free from conviction for a period up to 2 years on the issue of a Hackney Carriage Licence. The sub-committee had to consider whether the applicant was a 'fit & proper' person and whether to depart from Council Policy.

The sub-committee and noted the positive steps taken by the applicant following the incident, in co-operating with the authorities and the licensing service. They considered the actions taken in the form of mitigation, the applicant's actions as per the principles of restorative justice, and the applicants Character references; early notification of the incident to Licensing; 20 years taxing driving experience; acted to demonstrate that he was 'fit & proper' person.

**Resolved:**

**The Sub-committee agreed in this case to set aside Council Policy and authorised officers that on the return of the applicants DVLA licensing on the 20<sup>th</sup> October 2017, they restore and then renew the Hackney Carriage Licence on the 31<sup>st</sup> October.**

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

**7. Notification of a Medical Procedure, Seeking Departure from Council Policy - AM**

Licensing Officer advised that this matter had been withdrawn.

**8. Application for the Grant of a Private Hire Vehicle Licence Seeking Departure from Council Policy and Request for Plate Exemption - AI**

Licensing Officer advised that the application had been postponed to the next sub-committee hearing list.

**9. Application for the Renewal of a Private Hire Vehicle seeking departure from Bristol City Council Policy - II**

Licensing Officer advised that this matter had been withdrawn.

**10 An Application for the Grant of a Private Hire Driver Licence seeking Departure from Council Policy - DA**

The applicant DA was in attendance.

The Licensing Officer presented the report that outlined his medical condition and treatment and requirement as set out in Council Policy that gave rise to refusal for the private hire licence.



The applicant addressed the sub-committee.

- DA shared that he was awaiting the result of a further assessment was confident that he would meet the required condition
- The appoint at the Heart Institute was fixed for 22<sup>nd</sup> September and the result would be known thereafter
- The test following the operation in January 2017 gave a reading of 35% but he was confident that the upcoming test would provide a result over 40% nearer 100% as he was over the convalescent period.
- He had been 9 months without work and the situation was very stressful.
- He was fit and healthy and driving privately on a daily basis

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

The Sub-committee after considering the above together with Legal advice and having questions answered on the timing of the report brought by Licensing Officers. DA medical results would be known on or immediately after the 22<sup>nd</sup> September and if those results provided a reading above the required level of 40%, DA would attend the Licensing Office with the evidence. Licensing would proceed to re-issue the Private Hire Driver Licence without any reference to the Sub-committee. Alternatively if the result was below the policy guidelines the application could return to the next committee after that date. The sub-committee was advised to adjourn the application.

**Resolved:**

**That the application be adjourned to the 17<sup>th</sup> October.**

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

The Chair advised DA that the decision would be deferred to allow for the results of the test on the 22<sup>nd</sup> October 2017. DA was advised to attend the Licensing office immediately afterwards with the result.

## **11 To Consider an Application for the Grant of Street Trading Consent(s) at Pavement in front of Freshford House, Redcliffe Way, Bristol - FP**

The applicant FP and a friend JD were in attendance.

The Licensing Officer presented the report outlining the reason for refusal, referencing the last refusal on the same site.

FP addressed the sub-committee outlining:

- That the offer was different from the previous application
- The vehicle was of a high spec, vintage in design and would be serving quality coffee and appropriate refreshment for passing trade



- That every effort would be made to enhance the area by tidying up litter from other sources and cutting back and maintaining the over grown bushes
- Pictures were submitted showing the location of the vehicle in relation to the walkway and highway
- A survey of footfall on the pedestrian area was shared to counter argue the claims of congestion
  - That 36 people a minute used the pavement
  - Of the 1700 that used the pathway in the 3 hours the area was surveyed, only 3 persons walked on the area proposed for the vehicle to be stationed
- That time and resource had been spent refurbishing the vehicle and to recovery this outlay the applicant needed to trade
- Pictures were shared on how the vehicle would be positioned in the given location in relation to the cycleway and pedestrian walk way and entrance to Freshford House.
- The objection in relation to smell was not relevant as they would be serving coffee and homemade cakes.

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

The sub-committee consider the presentation by FP & IC and the legal advice provided.

That the current application differed from the previous application because the offering was different; in that it intended to serve a different market, the daytime economy; refreshments were coffee and cakes; the offer to maintain the area; that customers would be passers-by and would not keep people in the area; noted that the previous application was refused on the basis of commercial need.

**RESOLVED:**

**To consent to the Grant of a Street Trading Consent at Pavement in front of Freshford House, Redcliffe Way, Bristol. Subject to the condition to resolve issues arising from rubbish.**

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

**12 To Consider an Application for the Grant of Street Trading Consent(s) at Lay-By At St Catherines Court, Berkeley Place, Bristol - IC**

The applicant IC was in attendance with a relative his Nephew to interpret proceedings.

The Licensing Officer clarified that it was standard procedure for the service to provide the interpreter to ensure that the information being shared between parties was clear and unbiased.

The Chair after hearing from all parties was mindful to allow the presentation of the application to continue.

The Licensing Officer presented the report and drew the Sub-committee to the reason why the consultation process had not taken place. The application was for a grant of consent on an area of highway that has an active TRO, that limits that area of the highway to be used as a loading bay 24hrs a day. On that basis refusal was requested.



The Licensing officer read a letter sent by the legal representative of the applicant. That sought to explain that the applicant was seeking a short term licence in the loading bay on the basis that the bay was underused after 7pm and the applicants activity would cause limited impact on the highway.

The applicant relative outlined the reasons for the application;

- Shared a picture of the vehicle in question
- Shared a picture of the vehicle in situ
- Explaining that the location was chosen because it was on the way from the busy night time venues and had high footfall of passers-by.
- It was in a location away from perceived areas of trouble
- That as the bay was not used in the evening that temporary consent should be granted for a short period to allow for an assessment on progress

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

The sub-committee consider the presentation by both parties and legal advice provided. That the sub-committee did not have the authority to grant consent that would give rise to an illegal activity. The applicant should be encouraged to find an alternative location, not in the CIA area and that would support a successful application for a late night refreshment licence.

**RESOLVED:**

**To refuse the application for the grant of a Street Trading Consent in the Lay-by at St Catherine's Court.**

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

Meeting ended at 3.00 pm

**CHAIR** \_\_\_\_\_

