

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



10 October 2017 at 10.30 am

Members Present:-

Councillors: Chris Davies, Richard Eddy (Vice-Chair), Carole Johnson, Mike Langley and Paula O'Rourke

Officers in Attendance:-

Claudette Campbell (Democratic Services Officer) and Abigail Holman (Licensing Policy Advisor)

1. Apologies

The Chair welcomed those present and led introductions

2. Declaration of Interest

Noted against the relevant agenda item

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 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).

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

AI was in attendance.



The Chair welcomed and led introductions.

The Committee with the applicant and the Licensing Officer left the chamber to inspect the vehicle.

The Members were asked to observe the make and model of the car and the tinted windows.

On returning to the chamber the Licensing Officer introduced the report.

Committee was asked to consider the applicant's request to depart from Council policy in the granting of an exemption to display private hire identification plates and from the requirement that rear windows must allow at least 65% of light to be transmitted through them. On assessment it was found that the vehicle side window transmitted only 35.2% light.

The applicant sought the exemption on the basis that the business conducted was for private hire for executive use. The applicant had made a further request to be exempt from displaying private hire plates.

AI put his case and answered questions highlighting the following:

- His business was concerned with the hiring out of vehicles to professional drivers following damage to their own vehicles as a result of a road traffic incident, that resulted in their own hire vehicles being taken off the road for repair by their insurance company.
- They had a fleet of approximately 20 vehicles.
- The intention was to hire out an appropriate vehicle to executive hire companies who require a replacement vehicle, and this vehicle would be used for high profile customers.
- The vehicle would be provided to a licensed driver.
- They liaised with insurance companies in respect of replacement cars for taxi drivers.
- The request for the vehicle not to display plates was based on the type of use, that is executive use.
- Prepared to remove this request if the application for tinted windows granted.
- The tinted windows and exemption from displaying plates would support the business move into the executive hire business.

The Licensing Officer and the Applicant left the Chamber whilst the Committee made its decision.

The Members considered the outcome of the visual inspecting the vehicle and the presentation made by both parties.

The Legal Advisor drew member's attention to the details of the application and the applicant's description on how the vehicle will be used. He stated that the vehicle would be used 75% for weddings and the remainder for executive hire. He is not trading in this area of business and unable to provide any evidence to substantiate the usage.



Members considered the request for exemption for a vehicle that will only be used for executive work for 25% of its hire. They also considered that as the vehicle was a replacement vehicle to licensed individuals there were no controls on usage that could be imposed whilst the vehicle was not in the applicant's control. Members felt that this was detrimental to policy because committee were unable to condition anticipated use.

Members then considered whether the applicant offering to remove the request from exemption to display would support the granting of the exemption with regards the use of vehicle whilst not meeting the levels of light transmission. Members considered the levels of light transmission were so below the required level that it would be detriment to policy.

Committee appreciated the business need to grow and develop but they needed to consider the policy and whether use could be conditioned. The use could not be conditioned so the application fell outside policy.

The applicant and Licensing Officer returned to the chamber.

Resolved – that the application for the grant of a Private Hire Vehicle (PHV) licence seeking a departure from council policy and a request for an exemption from the display of plates on PHV be refused.

6. Exclusion of the Press and Public

7. Report of an Application for the Grant of a Hackney Carriage Driver Licence - TH

TH was not in attendance.

The Licensing Officer sought Committee's agreement to proceed as the application had been adjourned on two separate occasions.

The Chair and Members noted the position and agreed that the application could be considered in the applicant's absence because he had been given a number of opportunities to attend.

The Licensing Officer introduced the report and summarised the circumstances surrounding the reasons they sought refusal to the granting of a Hackney Carriage Driver (HCD) Licence to TH.

The Licensing officer left the Chamber.

The Committee considered the written evidence before them and sought legal advice.

They noted the details given following an Enhanced Disclosure and Barring Service (DBS) application that related to assault and actual bodily harm conviction. The incidents were 18 months apart and involved females in a taxi. The policy directed that applicants must be free from convictions for a fixed period of time, 5 to 8 years. The written evidence provided gave no unusual or peculiar circumstances surrounding the conviction. Members unanimously agreed that they saw no reasons to depart from council policy and did not consider the applicant a fit and proper person as laid down by policy.



Resolved: that the application for a grant of a Hackney Carriage Driver (HCD) Licence be refused.

8. Report to consider an application for the Grant of Street Trading Consent(s) at Outside 384-386 Filton Avenue Bristol - RA

The application had been withdrawn

9. Report to consider an Application for the Grant of Street Trading Consent at Corner of Temple St Junction, Behind Fire Station, Counterslip Bristol SA

Open Session

Declaration of Interest:

Cllr Langley and O'Rourke shared with members that they had been present at the hearing of an application for the same site on the 22nd August. The Legal Advisor present considered the situation and concluded that as this was a separate application and differed to that heard they could continue to sit.

SH was in attendance.

The Chair welcomed and led introductions.

The Licensing Officer introduced the report and summarised the reason for the application.

SH was invited to present his case and address the questions put by committee.

- The previous application for street trading on that site had been refused because of highways objection.
- Details were provided of his business model, that he would be selling beverages but not coffee if it impacts on other businesses; and usual lunch time food.
- The structure would be built on site and a static unit, to be on site at all times.
- The business model was devised before the current developments in the area restricted road access and the pedestrian walkway.
- That the location was seen as one with high footfall that would enhance business sales.
- That he had also considered that selling on, viable business, would attract more interest.
- Planning permission would be needed for the unit before trading could commence.

The Licensing Officer with the Applicant left the chamber to allow Committee to make its decision.

Decision

The Members considered the written reports and the verbal evidence presented to them.



The Legal Advisor reviewed the information provided with the members. They were reminded that Planning and Street Trading consent differed.

Members were mindful that the structure being proposed was fixed and not moveable. It would impact the restrictions arising from the ongoing development at Finzels Reach and the former Fire Station site, further impacted by the introduction of a cycle lane. The location if absent from the existing nearby construction and inevitable impact on movement of pedestrians and cyclist and cars, would be viable site. Members considered that they must note the impact on congestion and the potential risk to pedestrians and cyclist therefore could not support the application.

Members were impressed with the applicant's intended offer but the risks associate with the location and highways exceeded his right to trade. The applicant should consider an alternative location.

The Licensing Officer and Applicant returned to the chamber to hear the decision.

Resolved: that the application for the Grant of Street trading consent at Corner of Temple Street Junction, behind Fire Station, Counterslip, Bristol be refused.

10 Report of an Application for the Grant of a Hackney Carriage Driver Licence - AM

The Chair moved that the committee go into Closed session

Cllr Langley advised the Committee that he knew the applicant and therefore would withdraw from the Chamber. He left the chamber.

AM was in attendance.

Chair welcomed and led introductions.

The Licensing Officer introduced the report and summarised the reason for the application.

AM was invited to put his case and address the questions put by committee.

- AM had been employed by First Bus Group for some years as a bus driver and therefore had knowledge of many routes in and around Bristol.
- He was aware of how to treat customers, experience of dealing with children and the elderly.
- He had taken on the policy requirements for First Bus in how to deal with customers.
- He did not want to take the test because he got nervous and unable to cope in a test situation.
- He felt that the information and support given prior to taking the test did not support him.
- He had lived in the Netherlands previously and attended school there. Moving to England to be with family.
- He informed members that he was not concerned about reading and writing but was concerned about how nervous he became in test situation.



- The Licensing Officer with the Applicant left the chamber to allow Committee to make its decision.

Decision

The Members considered the written reports and the verbal evidence presented to them.

The Legal Advisor advised members that, the Hackney Driver knowledge test was an essential step towards establishing that a driver was a 'fit and proper person'. Evidence provided by officers indicated that he had sat the test twice on both occasions failing to reach the pass mark. Scoring first 38/100 and then subsequently 41/100, well below the pass mark of 90.

Members considered that the knowledge needed by taxi drivers on the street networks, of Bristol, were far more extensive than that required for a person driving a bus on a main road to set routes. That no evidence was provided of a medical reason for his limitation and/or of any recognised learning difficult.

Members unanimously agreed that they had not been provided with any information to support a request to support the applicant's request to be an exception to the policy.

The Licensing Officer and Applicant returned to the chamber to hear the decision.

Resolved: that the applicants request to be exempt from the knowledge test for all applicants requesting a Hackney Carriage Driver Licence be refused.

11 Report of an Application for the Grant of a Private Hire Driver Licence - AB

AB was in attendance

The Chair welcomed and led instructions reminding all that the committee was in Closed session.

The Licensing Officer introduced the report and summarised the reason for the application.

AB was then invited to present his case and address the questions put by committee:

- He had lived in Bristol for 16 years and whilst working as a postman developed knowledge of the Bristol area.
- He therefore did not want to spend money on the knowledge test.
- He had taken the test prior to 2008 when he held a licence for a short time before moving to work as a postman

The licensing Officer and the Applicant left the chamber whilst the Committee made its decision.

Decision

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



The Legal Advisor directed Members to the policy that required all applicants to take and pass the knowledge test unless reasons are presented to satisfy committee that they should be exempt. Members noted that the applicant had taken the test more than 10 years ago and in that time Bristol had change substantially. The argument of cost involved and the knowledge gained whilst working for the post office was not considered strong enough to support a departure from policy. The applicant should take the test as it would greatly benefit him.

The Licensing Officer and Applicant returned to the Chamber.

Resolved: that the application for the grant of a Private Hire Driver (PHD) Licence be refused.

Meeting ended at 3.00 pm

CHAIR _____

