

Bristol City Council

Minutes of the Public Safety and Protection Sub-Committee B



1 May 2018 at 10.00 am

Members Present:-

Councillors: Fi Hance, Ruth Pickersgill, Lucy Whittle and Chris Windows

Officers in Attendance:-

Ashley Clark (Legal Advisor), Carl Knights (Licensing Policy Advisor), Megan Parry (Licensing Observer) and Norman Cornthwaite

1. Apologies

None were received.

2. Declaration of Interest

None were received.

3. Public Forum

Nothing was received.

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. Exclusion of the Press and Public

Resolved – that under Section 11A (4) of the Local Government Act 1972, the press and 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.

6. Application for the Renewal of a Hackney Carriage Licence seeking departure from BCC Policy - AYM

It was noted that this application had been withdrawn.

7. Application for the Renewal of a Hackney Carriage Licence seeking departure from BCC Policy - SMA

SMA was not in attendance, but requested that his application be considered by the Committee in his absence.

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

Decision

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

The Members noted their Policy.

They did not consider that they had heard sufficient evidence to persuade them to set aside their Policy in this case so they decided to reuse the application.

Resolved – that the application for the renewal of a Hackney Carriage Licence made by SMA seeking departure from BCC Policy be refused.

8. Application for the Renewal of a Hackney Carriage Licence seeking departure from BCC Policy - RWN

RWN 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 explained the change of Policy in 2008, the type approval regulations and process, and the arrangements to advise the trade of the end of the transitional period.

RWN put his case highlighting the following:

- He had thought that he would allowed to licence his vehicle for 10 years



- He was not aware of the arrangements concerning the end of the transitional period as he does not know how to operate computers
- He had not been able to replace his vehicle for financial reasons
- He would like his licence extended by 6 months to give him time to save up for a new car
- He summed up his case

The Licensing Officers and RWN left the room whilst the Committee made its decision.

Decision

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

The Members noted their Policy.

They noted RWN's individual circumstances and expressed sympathy for them.

However they did not consider that they had heard enough evidence to persuade them to set aside their Policy in this case.

They therefore decided to refuse the application.

Everyone returned to the room to hear the decision.

Resolved - that the application for the Hackney Carriage Licence made by RWN be refused.

9. Application for Renewal of a Hackney Carriage Licence seeking departure from BCC Policy - MR

MR was not in attendance, but requested that his application be considered by the Committee in his absence.

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

Decision

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

The Members noted their Policy.

They did not consider that they had heard sufficient evidence to persuade them to set aside their Policy in this case so they decided to reuse the application.

Resolved – that the application for the renewal of a Hackney Carriage Licence made by MR seeking departure from BCC Policy be refused.



10 Application for Renewal of a Private Hire Driver's Licence - NS

NS was in attendance, accompanied by his wife.

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

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

NS put his case and answered questions highlighting the following:

- He had an argument with his wife last year over an affair
- He had a knife in his hand and had threatened her
- She called the Police and he was arrested, and charged
- He went to the Magistrates Court and then the Crown Court where he was convicted
- At the time of the offence he was in a temper, but he never intended to harm or hurt her
- He had never done anything like this before and will never do it again
- He has never got angry whilst working
- He summed up his case

His wife confirmed that the event was a one off incident. She has a support worker but is confident that it will not happen again.

Decision

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

The Members noted their Policy.

Although this was a serious offence, they noted his previous good character – no issues whilst he has been working, the lenient sentence he received, that he had reported the incident to Licensing and that his explanation sounded reasonable. They also noted the support and character reference provided by his wife.

They therefore decided to set aside their Policy in this case and grant the licence.

Everyone returned to the room to hear the decision.

Resolved – that the application for the renewal of a Private Hire Driver's Licence made by NS be granted.



11 Application for the Grant of a Private Hire Operator Licence and to determine if any action is required against the holder of a Hackney Carriage and Private Hire Driver's Licences - IFM

IFM was in attendance, accompanied by a colleague.

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

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

IFM put his case highlighting the following:

- He informed the DVLA when the incident occurred
- He advised Licensing when he applied for his Private Hire Driver's Licence; he did not try to hide anything
- The incident happened in Union Street when two men jumped in front of his care and he swerved to avoid them, and hit a bus
- The damage to the bus was very minor – paintwork, and the bumper on his car was damaged
- He summed up his case

The Licensing Officer, IFM and his colleague left the room whilst the Committee made its decision.

Decision

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

The Members noted their Policy.

They noted that this was not a serious offence, the accident was 3 years previously, he has been a Hackney Carriage Driver for a long time with no incidents, no action was taken when he advised the Licensing Office of the offence which he declared within 2 months and it is now a lot more than 6 months since the conviction.

They therefore agreed to and grant the Private Hire Operator's Licence and take no action against either the Hackney Carriage or Private Hire Drivers' Licences.

Everyone returned to the room to hear the decision.

Resolved – that application for the Private Hire Operator's Licence made by IFM be granted and that no action taken against either the Hackney Carriage or Private Hire Drivers' Licences held by IFM.



12 Application to Renew a Private Hire Driver's Licence - YI

YI was in attendance, accompanied by his wife.

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

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

YI put his case highlighting the following:

- He was not driving a taxi when the offence occurred
- He thought that he had renewed his insurance but he had not in fact confirmed the renewal with the company although he had paid a deposit
- He was stopped by Police and found to be driving without insurance
- He had made a mistake by not advising Licensing of the conviction on his renewal form
- His wife had been ill at the time of the offence
- He summed up his case

The Licensing Officer, YI and his wife left the room whilst the Committee made its decision.

Decision

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

The Members noted their Policy.

The Members noted that this was an isolated offence which had taken place more than 6 months previously but had not been declared at the time. They also noted that his wife had been ill at the time of the offence and that he had been under stress. They further noted his clean record and that this had been his first offence.

They therefore agreed to renew his licence.

Everyone returned to the room to hear the decision announced.

Resolved – that the application for the renewal of the Private Hire Driver’s Licence held by YI be agreed.



Meeting ended at 2.30 pm

CHAIR _____

