

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



12 June 2018 at 10.15 am

Members Present:-

Councillors: Chris Davies, Richard Eddy, Sultan Khan, Mike Langley and Estella Tincknell

Officers in Attendance:-

Ashley Clark (Legal Advisor), Carl Knights (Licensing Policy Advisor) and Norman Cornthwaite (Democratic Services)

1. Election of Chair 2018/19

Resolved – that Councillor Richard Eddy be elected Chair of the Sub Committee for the 2018/19 Municipal Year.

2. Election of Vice Chair 2018/19

Resolved – that Councillor Mike Langley be elected Vice-Chair of the Sub Committee for the 2018/19 Municipal Year.

3. Apologies

No apologies were received.

4. Declaration of Interest

None were received.

5. Public Forum

Nothing was received.



6. 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).

7. 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.

8. Whether action is required against a Hackney Carriage Driver - MB

MB was not in attendance.

It was therefore

Resolved – that consideration of this case be deferred until a future Meeting of the Committee.

9. Conduct of a Private Hire Driver - KA

KA 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.

KA put his case and answered questions highlighting the following:

- On 6th March 2018 the Committee suspended his Licence for a period of 2 months
- He did not receive any other notification concerning his suspension
- He assumed that the suspension took effect from 6th March 2018 and therefore started driving again after a period of 2 months from that date
- The incident on 20th May 2018 related to the over booking of another taxi for 5 passengers; he took 3 of them in his taxi; although the fare was £5 he charged them £7 as he had had to wait for them
- He made a mistake thinking that his suspension ran from 6th March 2018 for 2 months
- He summed up his case



The Licensing Officer confirmed that he had e-mailed KA the official notice of suspension on 14th March 2018 advising him that the suspension would take effect from 5th April 2018. The e-mail address used was the same as the one used on other occasions for correspondence with KA. KA had also left a 'phone message at the Licensing Office on 23rd May 2018 asking when he could drive again.

The Licensing Officer and KA 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.

They noted their Policy.

They also noted the following:

- KA was illegally plying for hire and had no insurance
- KA was driving whilst suspended
- KA has been driving for 13 years
- The e-mail and postal address were the same as had been used for correspondence with KA on previous occasions
- Although KA claimed to have thought he was suspended from 6th March 2018, he had not returned his plates or badges
- This was his second offence within a short period of time

Members considered that KA should spend a period of 6 months off the road. Noting that his licence expires on 22nd August 2018, Members decided to revoke his licence and advise him that he should not apply for a new licence until a period of 6 months has elapsed since the date of revocation.

Everyone returned to the room to hear the announcement of the decision.

Resolved – that the Private Hire Driver's Licence held by KA be revoked and that he be advised to not apply for a new licence until a period of 6 months has elapsed since the date of revocation.

10 Application for the grant of a Private Hire Licence seeking exemption from BCC Policy - NJ

Members inspected the vehicle.
NJ 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.

NJ put his case and answered questions highlighting the following:

- It is a Euro 6 vehicle
- A petrol engine is heavier on fuel
- Most of the journeys are out of Bristol to places like Heathrow Airport
- The vehicle will only be kept for 3 to 4 years; the contract he has dictates that the vehicle must be changed when it is 4 years old; he will use a hybrid vehicle in future
- He summed up his case

The Licensing Officer and NJ left the room while the Committee made its decision.

Decision

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

The Members noted their Policy on new vehicles. They did not consider that they had heard sufficient evidence to persuade them set aside their Policy and allow an exception in this case.

They therefore agreed to refuse the application. (Voting 4 for, 1 abstention.)

Everybody returned to the room to hear the decision.

Resolved – that the application for a Private Hire Vehicle Licence be refused.

11 Application for the grant of a Private Hire Driver's Licence - MK

MK 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.

MK put his case and answered questions highlighting the following:

- He is a bus driver in Bristol and has a good knowledge of the area
- The Test has not been updated to reflect changes in the names of venues
- Drivers licenced by other Councils drive in Bristol
- He wants to obtain a licence from Bristol rather than one of the other Councils



- The Test is not right and cannot be trusted
- There should be classes to practice for the Test
- He works on Thursdays and it is therefore difficult for him to attend the Test; would like to take it on another day of the week
- He summed up his case

The Licensing Officer and MK left the room while the Committee made its decision.

Decision

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

The Members noted their Policy, which requires drivers to pass the Knowledge Test.

They noted that he has taken it and failed it 3 times. They did not consider his background as a bus driver gave him sufficient knowledge to exempt him from taking the Test.

They therefore agreed to refuse the application.

Everybody returned to the room to hear the decision.

Resolved – that the application by MK to allow him to be exempt from passing the Knowledge Test be refused.

12 Application for the grant of a Hackney Carriage Licence and to determine if any action is required against the holder of a Hackney Carriage Driver's Licence - AKM

ARM was in attendance, accompanied by two colleagues.

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

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

A colleague put the case for ARM and answered questions highlighting the following:

- ARM bought the car from another driver after it had passed its MOT
- The documents were provided by the previous owner
- The previous owner had the car resprayed
- ARM has confirmed that he received the documentation from the previous owner
- ARM has acted properly and in good faith
- He summed up the case



The Licensing Officer, ARM and his colleagues 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.

It was noted that the colour is correct and the application is within 3 months. ARM has been a driver for 12 years with no problems. Although false documentation is a serious offence, Members considered that ARM had acted in good faith. His two colleagues have status within the trade.

Members therefore agreed to licence the vehicle and take no action against ARM.

Everyone returned to the room to hear the decision announced.

Resolved – that the application made by ARM for a Hackney Carriage Licence be granted and that no action be taken against the Hackney Carriage Driver’s Licence held by ARM.

13 Application for the grant of a Private Hire Driver's Licence - PG

PG 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.

PG put his case and answered questions highlighting the following:

- He tabled papers for Members to support his case
- He has been a Police Officer for 24 years including in firearms
- He has a good knowledge of Bristol having worked all over the area
- He will be doing mostly long distance driving – London, Heathrow, Gatwick, etc.
- He summed up his case

The Licensing Officer and PG 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.

Members considered that having been a Police Officer for 24 years, the gold standard course would add nothing to the training he had already received, and he could be exempted from this test.

Members also considered that the work he would be undertaking was executive in nature and would mostly be for destinations outside Bristol.

Everyone returned to the room to hear the decision announced.

Resolved – that PG be allowed an exemption from being required to take the Gold Standard and Knowledge Test.

14 Application for the renewal of a Hackney Carriage Driver's Licence - ARY

ARY was in attendance, accompanied by a solicitor and a number of colleagues and supporters.

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

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

The solicitor put the case for ARY highlighting the following:

- The incident on 17th September 2015 related to a slight collision with a member of the public
- He received 3 penalty points and was fined
- When he completed his form on 22nd October 2015 the points had not been added to his licence
- It was not a serious offence and he has had no other problems
- She summed up the case for ARY

A colleague stated that ARY does a lot of community work.

ARY stated that that he had misunderstood the question on the form.

The Licensing Officer, ARY and everyone else left the room while the Committee made its decision.

Decision

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

The Members noted their Policy.



Whilst they noted that the driving offence was not a serious one they had concerns that he had not declared it on his application form.

However they agreed that no action should be taken against him.

Everyone returned to the room to hear the decision.

Resolved – that no action be taken against ARY and that the application for the renewal of his Hackney Carriage Driver’s Licence be approved.

Meeting ended at 3.30pm

CHAIR _____

