

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

**14 August 2018 at 10.00 am**



**Members Present:-**

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

**Officers in Attendance:-**

Lynne Harvey (Legal Advisor) and Abigail Holman (Licensing Policy Advisor) – Licensing Officer  
Sam Wilcock – Democratic Services

**1. Apologies**

Apologies were received from Councillor Tincknell

**2. Declaration of Interest**

None received.

**3. Public Forum**

None 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. Report of an application for the renewal of a Private Hire Vehicle Licence seeking exemption from Council policy in respect of tinted windows - IA

Members inspected the vehicle prior to considering the application.

IA was in attendance, along with representative Mr P Masood.

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

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

IA put his case and answered questions highlighting the following:

- He had not applied for exemption from displaying plates on this occasion.
- Before he bought the car the dealer had told him that it would be a suitable vehicle for the Council.
- He thought the car would be licensed for 10 years once he got a licence.
- He had previously undertaken 'executive' work, but he could not afford a new car to continue.
- He did not know about executive cars.
- He had now moved to Uber and the requirements were different.
- He had three children and a mortgage
- Changing the windows would cost £2k would decrease the value of the car as the wife is in the windows.

The Licensing Officer suggested that the wife element was contained in the quarter glass which could remain tinted. Only the two side windows would need to be changed.

### Decision

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

The Members noted their Policy.

It was noted that for 65-70% of the time IA would not be undertaking executive work and that no application for an exemption had been sought regarding the plates in any event – this was therefore only an application seeking departure from policy as far as the tinted windows were concerned. Nor was the vehicle of a type that would be classed as an executive vehicle. There was no valid reason to depart from Council policy as:

- The vehicle failed inspection due to being fitted with tinted windows and there was no valid reason to depart from those rules and policy.



- Public safety was the overriding consideration and tints were not required for the majority of his taxi work.
- The Members had sympathy for the applicant but his personal circumstances did not amount to a sufficient reason to depart from Council policy.
- To ensure consistency and fairness to other licensees it was appropriate to correct the position.

**Resolved – that the application for application for the renewal of a Private Hire Vehicle (PHV) licence seeking exemption from Council Policy be refused on grounds contained in section 60(1)(a) and (c) of LG (MP) Act 1976**

## **7. Report of an application for the renewal of a Hackney Carriage Driver Licence - SE**

SE was in attendance, accompanied by a translator.

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

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

SE put his case and answered questions highlighting the following:

- He was stopped and prosecuted for driving without insurance in his sister's car.
- He had been unaware that the insurance had expired.
- His sister had been out of the country, in Kenya and the insurance had not auto-renewed.
- The car had been seized and he had to wait for her to return to get the car from the pound and set up new insurance.
- He is insured to drive two vehicles. His hackney taxi vehicle was not involved.
- He pleaded not guilty as he didn't drive the vehicle uninsured knowingly.

The Licensing Officer and SE 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:

- Conviction was within six months prior to the 'application' (4 ½ months at the time of application) so the starting point under the policy was to refuse the application.



- It was not appropriate for the Committee to go behind the conviction.
- The vehicle in question was not his business vehicle but a private borrowed vehicle for which his sister arranged the insurance.
- He had 10 years unblemished record as a driver.
- Although it was his responsibility to ensure he was covered, the offence had been committed through ignorance rather than deliberate breach of the law.
- On this occasion his conduct had fallen below the standard to be expected of licensees and the Committee issued a warning to ensure his future conduct was beyond approach.

**Resolved – that the application for a Hackney Carriage Driver (HCD) licence be renewed.**

## **8. Report of an application for the grant of a Private Hire Driver Licence - SR**

SR 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.

SR put his case and answered questions highlighting the following:

- He had been convicted in 2009 following a disagreement over money. He had been threatened and wrongly reacted by carrying a knife.
- Although he had no intention of using the knife it had scratched a person and he was convicted of GBH and served four years in a young offenders institution.
- He had hurt a lot of people and had worked hard to make up for it ever since, would like to continue to be able to work in Bristol as a driver.
- He had a driving conviction for changing lane without indicating.
- He had previously been driving in London with Uber for 2 ½ years without negative comment.
- He had already passed the Knowledge Test and Gold Standard Award.
- He had been married a year now and was having a baby in four months.

The Licensing Officer and SR 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:

- As a new licence the burden is on the applicant to satisfy the Committee that he is a fit and proper person.
- The policy was for 5-10 years free of conviction of violence and due to the seriousness of the offence the Members would expect a longer period free of conviction.
- It had been a serious offence involving a knife.
- It was appreciated that he wanted to get on with his life and is trying his best to improve his life and circumstances.
- At this stage, the Sub Committee could not be satisfied that he is a fit and proper person to hold a private hire driver's licence.

**Resolved: That the application for the grant of a private hire driver licence be refused under section 51 of the LG (MP) Act 1976 in that the Committee were not satisfied he was a fit and proper person to hold a PHD licence.**

## **9. Report of an application for the renewal of a Hackney Carriage Driver Licence - PB**

PB was in attendance, accompanied by his wife and his solicitor.

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

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

PB put his case and answered questions highlighting the following:

- Two character references were provided for the Committee.
- The incident had taken place on 23<sup>rd</sup> December 2017 in Spain.
- Mrs B had disputed a taxi fare and there had been an altercation.
- The taxi driver had spit at her twice, once in the taxi and once outside. Mrs B prodded the driver with her walking stick.
- Mr B had been in the back of the taxi but jumped out between them and put out his arms between them and pushed them away from each other.
- At no time did he hit anyone.
- They had attended the police station voluntarily.
- He had been provided an interpreter but not a solicitor.
- They had accepted the fine of 1000 euros each.
- He had not been aware that had been charged and convicted of ABH.
- They chose not to appeal the conviction as he wanted to get home on their arranged flight.
- He had a previously unblemished record with no complaints in 20 years.



The Committee were disappointed that they did not have any further information of the case such as court transcript translation or statements.

The Licensing Officer, PB, Mrs B and their solicitor 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:

- Even if they had view of the translated transcript, the Committee were unable to go behind the conviction.
- His record in Bristol was unblemished and the Committee considered PB to still be a fit and proper person.
- It appeared to be an isolated and confused incident.
- PB had been in an unfortunate position as he had been without legal representation.

**Resolved – The application for the renewal of a Hackney Carriage Driver (HCD) licence be renewed.**

### **10 Report of an application to renew a Private Hire Driver Licence - SA**

SA was in attendance with his representative.

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

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

- SA put his case and answered questions highlighting the following:
- There had been two instances of speeding within quick succession.
- He didn't realise that he had to inform the licensing team however he did inform his insurers straight away.
- He had filled in the license renewal incorrectly as he had completed it in a hurry.
- He had been aware that there would be DBS and DVLA checks and it was not his intention to hide anything.

The Licensing Officer, SA and his representative 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:

- The two offences, committed together, were almost six years old.
- Councillors considered the form and guidance perfectly clear. However, officers could reconsider whether 'have/have not' rather than 'haven't' or splitting into two questions could make things even clearer for applicants.
- The applicant was given a warning to be frank, prompt and clear when communicating with officers.

**Resolved: That the application for the renewal of a private hire driver licence be granted.**

## **11 Report of an application to renew a Private Hire Driver Licence - AB**

AB 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.

AB put his case and answered questions highlighting the following:

- He had pleaded not guilty to both offences.
- He had completed the same journey along the M4 every morning that week and the 60mph sign had not been lit up.
- He was convinced that the photograph had been doctored.
- It had been 4am and no other traffic was on the road, which was different to what is depicted in the photograph.
- It would have cost £1000 to employ an expert to challenge the photographs which he would do when he had the money.
- He had driven taxis for 38 years but had not been aware of the obligation to disclose and he apologised for that mistake.

The Licensing Officer and AB 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:

- Members could not go behind the conviction.
- He had been free of convictions for six months.
- The onus is on drivers to acquaint themselves with the conditions as part of their license and inform officers promptly of incidences.
- The license holder had a long period of unblemished record.

**Resolved: That the application for the renewal of a private hire driver licence be granted.**

## **12 Report of an application for the grant of a Private Hire Driver Licence - AM**

AM 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.

AM put his case and answered questions highlighting the following:

- In 2016 he had made a mistake sitting in the driver's seat of a car in a petrol station with the keys in the ignition. He had been changing the fuse under the driver's seat.
- He had attended the court hearing and received a fine.
- He had not declared the offence on his application form however this was not on purpose.
- He had completed two application forms as his first had been lost. He had paid twice.
- He circulated two references to the sub committee.
- He had a license before March 2018 but it had lapsed as he had been looking after his son.

The Licensing Officer and AM 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:

- The offence was a major traffic offence.
- Had Members been aware at the time conviction a period of suspension may have been imposed.



- Members had to accept the explanation that it had not been a deliberate attempt to mislead.
- The onus is on the driver to familiarise themselves with conditions of the licence.
- Given the age of the conviction of over 18 months, a warning as to future conduct was appropriate.

**Resolved: That the application for the grant of a private hire driver licence be granted.**

### **13 Report of an application to renew a Private Hire Driver and Hackney Carriage Driver Licence - SL**

SL 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.

SL put his case and answered questions highlighting the following:

- Three references were circulated to the sub committee.
- He had been driving since 2011 with no offences until April 2017. He didn't specifically remember the incidences and was really upset about receiving the letters.
- He had applied for his licence online and was not good with computers so had somehow ticked a box instead of leaving it blank.
- He had declared it on his previous application.
- He had been learning to be a driving instructor and was concerned the incidences would affect that process.
- He loved meeting and talking to people and received good comments from his customers.

The Licensing Officer and SL 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:
- Members accepted the explanation that it had not been a deliberate attempt to mislead.
- He had previously declared endorsements on past applications.
- The speeding convictions on their own did not merit a refusal.
- A warning was issued to the applicant that the onus is on him to ensure familiarity with licence conditions.



**Resolved: That the application for the renewal of a private hire driver and Hackney Carriage driver licence be granted.**

#### **14 Report of an application to renew a Private Hire Driver Licence - SW**

SW 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.

SW put his case and answered questions highlighting the following:

- He had been a taxi driver for 30 years without any trouble or any accidents.
- He had mistakenly not ticked the box in error and had followed it up a few days later with the information.
- He was fully aware that the information he gave would be checked.
- He would return back to six points on his licence in a few weeks time.

The Licensing Officer and SW 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:

- There had been several minor traffic offences with the most recent being committed within the last six months.
- The starting point under the policy was to refuse the application, however, the earliest offence had almost expired and three points would now be taken off the license.
- He had 30 unblemished years record as a taxi driver.
- The sub committee were willing to treat him as an exception to the policy.
- A warning should be given as to future conduct and acquainting himself with his license conditions.

**Resolved: That the application for the grant of a private hire driver licence be granted.**



Meeting ended at 3.00 pm

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

