

Bristol City Council

Minutes of the Public Safety and Protection Committee



7 May 2019 at 10.00 am

Members Present:- Councillors Fi Hance, Mike Langley (for Councillor Carole Johnson), Steve Jones and Ruth Pickersgill (Chair)

Also in attendance:- Corrina Haskins – Democratic Services, Carl Knights – Licensing Officer, Shreena Parmar – Legal Advisor, James Roberts – Licensing Officer

1. Welcome and Safety Information

The Chair welcomed everyone to the meeting and drew attention to the safety information.

2. Apologies

Apologies for absence were received from Councillor Carole Johnson.

3. Declaration of Interest

There were no declarations of interest.

4. Public Forum

There were no public forum statements.

5. 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.

6. 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 for the following items of business on the ground that involve the likely disclosure of exempt information as defined in Part 1 of Schedule 12A to the Act, as amended.

7. Application for the Grant of a Private Hire Driver Licence AJM

The Applicant was in attendance.

The Licensing Officer outlined the background to the application as follows:

- This was an application for the grant of PHD licence;
- The Applicant had held a licence since at least 2007 and had reapplied for a late renewal following his latest licence expiring on 7 March 2019;
- On re-applying for his licence he had disclosed 3 DVLA convictions which he had not declared at the time of the convictions and this was a breach of the conditions of his licence;
- The Applicant had been referred to the PSP Committee in April 2018 and the Committee had agreed not to take action in relation to the licence at that time, but had asked the applicant to respect the speed limit and avoid getting further convictions;
- Since April 2018, the applicant had received 2 further convictions for speeding offences;
- The Applicant also had one historic conviction in 2013 for an SP30 offence;
- It was recommended that the application be refused in accordance with Council Policy in relation to minor traffic offences and Section 51 of Local Government (Miscellaneous Provisions) Act 1976.

The Applicant presented his case as follows:

- He was not aware that he had to notify the licensing authority at the time of the conviction and did not have any documents to say that he had to do so;
- He had been working for a chauffeur company “Home James” rather than the usual Private Hire Driver work and did not usually work in Bristol;
- One of the speeding convictions was at the bottom of the M32 in the 40 mph zone where he had not realised the speed cameras were working.

In response to questioning, the Licensing Officer confirmed that the conditions were printed on the back of the licence and that this had been the case since at least 2011.

At this point in the meeting the Licensing Officers and the Applicant withdrew from the meeting while the Committee considered the application. Everyone returned to the meeting to hear the decision.

RESOLVED – that the application be REFUSED in accordance with Council Policy relating to minor motoring offences and section 51 of the Local Government (Miscellaneous Provisions) Act 1976, in that the Committee was not satisfied that the applicant was a fit and proper person to hold such a licence for the following reasons:



The Applicant had demonstrated a pattern of offending behaviour;
The Applicant had breached his licensing conditions by failing to declare the offences within 24 hours.

8. Application for the Renewal of a Private Hire Driver Licence and an existing Private Hire Vehicle Licence GSGB

The Applicant was in attendance supported by Councillor Khan.

The Licensing Officer outlined the background to the application as follows:

- The application was for the renewal of a PHD licence and officers were asking the Committee to consider whether to take any action in relation to the existing Private Hire Vehicle Licence;
- The Applicant had held a Licence since 2016 and it had expired in April 2019;
- On applying for his Licence, the Applicant had disclosed 3 points for a conviction which he had not declared within 24 hours and this was a breach of the conditions of his licence;
- The Applicant's DBS Certificate had revealed that the applicant had received 7 penalty points for failing to report an accident, however these points did not show on a DVLA check;
- The failure to report an accident was considered a major motoring offence in terms of Council policy;
- Since the conviction, the Applicant had twice renewed his licence without declaring the incident;
- The Applicant was the sole driver of vehicle;
- The Applicant also had a historic SP30 offence resulting in 3 penalty points;
- It was recommended that the application be refused in accordance with Council Policy in relation to major traffic offences and Section 51 of Local Government (Miscellaneous Provisions) Act 1976;
- It was also recommended that the vehicle licence be revoked in line with Section 60 of the Act.

The Applicant presented his case as follows:

- The conviction had occurred as a result of an accident when he had opened his car door and hit a cyclist;
- This was a one off mistake and his PHD record was otherwise clear;
- He thought the incident was had been resolved until he received a court summons three months later;
- He apologised for the incident.

In response to a question as to why he had not reported the accident, the applicant reported that he had given the cyclist his details at the time and offered to help her, but she had reassured him that she was fine and he thought that it was resolved and therefore did not realise that he had to report it as a traffic accident. He also confirmed that he was not aware that he had to notify the Council within 24 hours of a conviction, but he had phoned the Council when he had received the Court summons but did not follow this up in writing.



In response to a further question, he confirmed that he did not know why the 7 points had not been added to his licence and had contacted the DVLA who had confirmed that the instruction to add the points needed to be received from the court.

Cllr Khan spoke in support of the applicant, who was a resident of his ward:

- He believed that the conviction was the result of an accident and the Applicant had tried to help the cyclist after the incident;
- He believed that the Applicant's failure to declare the accident was a genuine misunderstanding and that he had contacted the Council by phone;
- He asked the Committee to view the case sympathetically.

In response to questioning about whether he attended the court case, the Applicant confirmed that he had attended to present his case but he did not recall putting in a plea.

At this point in the meeting the Licensing Officer, Applicant and Councillor Khan withdrew from the meeting while the Committee considered the application. Everyone returned to the meeting to hear the decision.

RESOLVED –

- (1) that the application for the renewal for the Private Hire Licence be GRANTED for the following reason:
The conviction was a result of an isolated offence and the applicant had an otherwise good record since holding a PHD Licence;
- (2) that no action be taken in relation to the Vehicle Licence;
- (3) The Applicant be give a warning to report any further convictions to the Council within 24 hours and to advise that any further convictions were likely to result in his licence being revoked or an application being refused.

9. Application for the Renewal of a Private Hire Driver Licence and an existing Private Hire Vehicle Licence TM

The Applicant was not in attendance and was contacted by the Licensing Officer who advised that the Applicant had declined the offer to attend and accepted that his application would be considered in his absence.

The Licensing Officer outlined the background to the application as follows:

- The Applicant had his Licence reinstated in December following a 6 month ban for "totting up";
- Council Policy stated that in such cases, an application was likely to be refused until 12 months free of conviction following the reinstatement of the licence and therefore it was recommended that the application be refused accordingly.

At this point in the meeting the Licensing Officer withdrew from the meeting while the Committee considered the application. He returned to the meeting to hear the decision.



RESOLVED

- (1) that the application for a Private Hire Drivers Licence be REFUSED in accordance with Council Policy, as a 12 month period free of conviction following the reinstatement of the licence had not yet passed and that, in relation to Section 51 of the Local Government (Miscellaneous Provisions) Act 1976, the Committee was not satisfied that the applicant was a fit and proper person to hold such a licence.
- (2) That in accordance with Section 60 of the Local Government (Miscellaneous Provisions) Act 1976, the Vehicle Licence be suspended on the grounds that, without a Private Hire Drivers Licence, the Applicant would no longer be insured to drive the vehicle.

10 Application for the Grant of a Private Hire Driver Licence MS

The Licensing Officer reported that this item had been deferred until the next Sub-Committee meeting in June.

11 Application for the Grant of a Private Hire Driver Licence NHA

The Applicant was in attendance.

The Licensing Officer outlined the background to the application as follows:

- The application was for the grant of a Private Hire Drivers Licence;
- The Applicant had held a licence since 2006 and his latest licence had expired in September 2018;
- The Applicant had applied for the renewal of his licence in August 2018, which had been referred to the PSP Committee on 16 October and the application had been refused due to concerns about the pattern of offending behaviour due to the number of historic driving offences;
- The Applicant had reapplied for the licence in 5 April 2019;
- Since the application had been refused, the Applicant had received no further convictions and now had 4 live points left on his driving licence for hybrid traffic offences;
- It was recommended that the application be refused in accordance with Council Policy in relation to hybrid traffic offences, the Town Police Clauses Act and Section 51 of Local Government (Miscellaneous Provisions) Act 1976;

The Applicant outlined his case as follows:

- He had not received the paperwork for the latest speeding offence due to a house move and this had resulted in the case going to court where he received 4 points on his driving licence;
- He had been working as a PHD for 12 years and needed to provide for his family;



- He felt that it was too harsh to refuse his application when he now only had 4 live points on his licence;
- He was sorry for the speeding offences, had not intended to speed but had inadvertently done so;

At this point in the meeting the Licensing Officer and Applicant withdrew from the meeting while the Committee considered the application. Everyone returned to the meeting to hear the decision.

RESOLVED –

- (1) that the application for the renewal for the Private Hire Licence be GRANTED for the following reason:

The Applicant had not received any additional points since March 2017 and had already had a period of 6 months without a licence.

- (1) The Applicant be given a warning to report any further convictions to the Council within 24 hours and to advise that any further convictions were likely to result in his licence being revoked or an application being refused.

Meeting ended at 1.30 pm

CHAIR _____

