

# Bristol City Council

## Minutes of the Public Safety and Protection Committee



**18 October 2016 at 10.00 am**

### **Members Present:-**

**Councillors:** Donald Alexander, Chris Davies, Mike Langley (Chair) and Ruth Pickersgill

### **Officers in Attendance:-**

Kate Burnham-Davies, Abigail Holman and Wayne Jones

### **1. Welcome, Introductions and Safety Information**

Councillor Langley was appointed Chair of the meeting. He welcomed everyone and asked them to introduce themselves.

### **2. Apologies for Absence and Substitutions**

Apologies were received from Councillors Keen, Eddy and O'Rourke. Councillor Alexander substituted for Councillor Keen.

### **3. Declarations of Interest**

Councillor Don Alexander declared an interest in item 11 on the agenda and withdrew for that item.

### **4. Public Forum**

Councillor Don Alexander submitted a statement of public forum for item 11. He presented the statement prior to that item and then left the room.

### **5. Suspension of Committee Rules CMR 10 and 11**



**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 Press and Public**

**Resolved – that under Section 11A (4) of the Local Government Act 1072, the 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.**

## **7. Consideration of action following conviction - AS**

The Chair made introductions and outlined the procedure.

The Applicant (AS) and his wife were in attendance. They submitted further information in the form of a letter from their solicitor (Tim Rose) and a letter from SARI (Stand Against Racism and Inequality). These were read out to the Sub Committee.

The Senior Licensing Officer (WJ) reported that the applicant had submitted an application for the grant of a Private Hire Drivers (PHD) licence seeking a departure from council policy as a result of a court conviction.

The Senior Licensing Officer reported that the applicant had submitted an application for the renewal of a Private Hire Driver Licence (PHD) following previous convictions for a traffic offence on 10 March 2016 for driving a motor vehicle on a road without due care and attention, failing to stop after an accident and failing to give a name and address.

The following information was taken into consideration:

- The applicant's history having held a PHV licence since December 2003.
- The applicant had not driven off but parked on a side road, and had presented the wrong type of details in error (the address he had given was his work address rather than the address the car was registered to).
- He had presented himself at the police station as requested within the hour of the accident.
- AS and his wife had not realised that he needed to contact the Licensing Office by close of business on the following working day of being convicted of the criminal offence (therefore March 2016).

After considering all of the written and verbal evidence presented to them the Committee decided that they would set aside their Policy in this case and grant the application for the Private Hire Drivers Licence made by AS.



The Licensing Officer and the applicant returned to the room to hear the decision.

**Resolved – that renewal application for the Private Hire Drivers Licence made by AS be granted.**

## **8. Application for the grant of a Private Hire Driver Licence - RH**

The Chair made introductions and outlined the procedure.

The Applicant (RH) and his brother (AS) were in attendance.

The Senior Licensing Officer (AH) reported that the applicant had submitted an application for the grant of a Private Hire Drivers (PHD) licence seeking a departure from council policy as a result of a court conviction.

RH had previously held PHD licence until it was revoked in 2012 by the Public Safety and Protection Committee.

The following information was taken into consideration:

- The applicant had previously passed the Driving and Vehicle Standards Agency (DVSA) test, Knowledge test and Group 2 Medical Examination Report but was willing to retake all but the Knowledge Test (as he had been working as a delivery driver and had very good knowledge of Bristol). He would need to complete the Gold Standard test as it hadn't been in operation when he had previously held a license.
- RH had made a large number of mistakes within a short period of time due to depression and possible PTSD following a violent attack in the City Centre.
- He had since completely changed his life and character, including settling down to get married. He needed to regain his licence and earn enough to bring his wife to join him and start a family.
- The applicant had not declared all of his convictions on his application form. This was because there had been many within a short period of time and he didn't remember all the dates.
- The applicant presented a series of letters as character references. He carried out the school run for family members.
- He was now older and didn't drink alcohol living a healthier lifestyle.
- There were still a number of convictions (classified as major offences) that fell within the timeframe outlined within the policy of 3-5 years.

After considering all of the written and verbal evidence presented to them the Committee decided that the application for a Private Hire Driver's Licence should be refused as not enough evidence



had been presented to them to convince them that RH was a fit and proper person and that they should set aside their Policy in this case.

The Licensing Officer and the applicant returned to the room to hear the decision.

**Resolved – that the application for a Private Hire Driver’s Licence made by RH should be refused.**

## **9. Application for the renewal of a Private Hire Driver Licence seeking departure from Council policy - AJ**

The Chair made introductions and outlined the procedure.

The Applicant (AJ) and his daughter (CG) were in attendance.

The Senior Licensing Officer (AH) reported that the applicant had submitted an application for the renewal of a Private Hire Drivers (PHD) licence. His current licence expired on 26 September 2016. Mr Jenkins medical examination report stated that AJ had suffered a transient ischaemic attack (TIA) on 8 August 2016.

The following information was taken into consideration:

- The DVLA guidance re fitness to drive when a TIA had been experienced was that ‘Group 1 – Must not drive for one month but need not notify the DVLA, and Group 2 – Must not drive and must notify the DVLA, a licence will be refused or revoked for one year following a TIA’.
- The applicant reiterated that the TIA had been suggested but not confirmed and it was equally likely that he had suffered a migraine. He had visited the doctors, hospital and was prescribed drugs as a precaution as tests had been inconclusive.
- He had refrained from driving for one month, had given up smoking since August, was watching his salt intake, fat intake and was exercising more. He had re-evaluated his finances to reduce his working hours and felt a lot healthier.
- The applicant had driven for 30 years without accident or incident and was very proud he had had very high ratings of customer service. Safety was paramount in his vehicle and he would never knowingly put anyone at risk.

After considering all of the written and verbal evidence presented to them the Committee decided that they would set aside their Policy in this case and grant the application for the Private Hire Driver Licence made by AJ.

As there was an absence of conclusive evidence of a TIA the Sub Committee agreed to grant a year’s licence with a medical required before the next renewal application.



The Licensing Officer and the applicant returned to the room to hear the decision.

**Resolved – that renewal application for the Private Hire Vehicle Licence made by AJ be granted for a period of one year and a further medical examination required before relicensing after that year.**

#### **10 Application for the grant of a Private Hire Driver Licence -UFA**

**Resolved – that renewal application for the Private Hire Driver Licence made by UFA be deferred to the next meeting.**

#### **11 Application for the renewal of Street Trading Consent - GC**

Councillor Don Alexander left the Sub Committee. As a member of the public and Ward Councillor he read out his statement of public forum (a printed copy was supplied to the applicant) before leaving the room for the presentation of the item and discussions.

The Chair made introductions and outlined the procedure.

The Applicant (GC) was in attendance.

The Senior Licensing Officer (AH) reported that the applicant had submitted an application for the renewal of a Street Trading Consent at Avonmouth Way Near Junction with Lescren Way.

The following information was taken into consideration:

- The applicant had held a street trading consent at the location since 30 June 2015 to sell Caribbean style food between 0600 – 1900 Monday to Saturday. Mr Campbell's current consent expired on 30 September 2016.
- The applicant was married with two children. He had been in the UK for 16 years and held numerous jobs, voluntary and paid, before starting his own business.
- Numerous complaints had been received regarding the siting of his catering van which differed from the site for which he had street trading consent including on the grass verge and at a site on Ridingleaze.
- The applicant had spent money on his business including tax, insurance and MOT and safety certificates. He was now in debt and blamed the Council.
- He had applied for numerous different locations around the City.
- The location he has consent for was not necessarily a good location to trade from. The site on Ridingleaze was a lot more profitable however he agreed he would stay at the site he was applying for.

After considering all of the written and verbal evidence presented to them, the Committee decided that the application for Street Trading Consent should be refused as not enough evidence had been



presented to them to convince them that GC would adhere to the conditions of the location of the licence. The numerous complaints were taken very seriously and GC should seek support to find a site appropriate for his business needs.

The Licensing Officer and the applicant returned to the room to hear the decision.

**Resolved – that renewal application for the renewal of a Street Trading Consent made by GC be refused.**

Meeting ended at 2.00 pm

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

