

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



**28<sup>th</sup> February 2017 at 12.30 pm**

**Members Present**

**Councillors:** Donald Alexander, Sultan Khan, Paula O'Rourke and Chris Windows.

**Officers in Attendance:** Ashley Clark, Legal Advisor, Carl Knights, Senior Licensing Officer, Allison Taylor, Democratic Services Officer

**24. Election of Chair**

Councillor Khan was elected Chair.

**25. Apologies for Absence and Substitutions**

There were none.

**26. Declarations of Interest**

There were none.

**27. Minutes of the previous meeting.**

These were agreed and signed by the Chair.

**28. Public Forum**

There was none.

**29. Consideration of the Suspension of Committee Procedure Rules CMR10 and CMR11 Relating to the Moving of Motions and Rules of Debate for the Duration of the Meeting**

**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).**

### **30. 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.**

### **31. Report of an application to renew a Private Hire Driver Licence.**

It was agreed that this application be adjourned to the next meeting on 28 March 2017.

### **32. Report of an application to renew a Private Hire Driver Licence – AH.**

The Chair made introductions and outlined the procedure.

The Licensing Policy Officer introduced the application stating that the applicant had failed to make a declaration on his application form of any offence or endorsement. However, on officers carrying out a search it became apparent that the applicant had been convicted of driving without due care and attention, fined 3 points and £137. He referred to the witness statement of the incident and the Magistrates Court letter at appendix C. The date of the letter was important as it showed that the applicant would have been aware he was under investigation. Policy stated that such applications would normally be refused if they had occurred within six months of the application. This application would have been here within six months had the condition been complied with. The Committee was recommended to refuse the application.

The following points arose from discussion:-

1. The applicant stated that he had been driving for 33 years without incident. He had bought a new car costing him £625 per month and he was unable to afford it without working;
2. His son had been completing his renewal forms for 13 years as he sometimes struggled with spelling and handwriting but his son had failed to fill in the declaration part of the form;
4. On a subsequent renewal, the applicant also failed to tick the box that he was under investigation for any criminal offence;
3. Councillor O'Rourke expressed surprise that the applicant would have not wanted to be very careful when completing the forms after an incident;
4. Councillor Alexander shared this view, adding that the applicant had been able to communicate with Sari regarding court proceedings and yet was not able to ensure his renewal was properly completed.

The Committee went into deliberations.

**RESOLVED – that the Committee was not satisfied that the applicant had discharged the burden of proof that he was a fit and proper person and the application was therefore refused.**

#### **Reasons:**

1. Had the applicant declared the offence in June 2015, the renewal would have come before Committee and

it would not have been likely renewed as the period of time since the offence was under six months;

2. The applicant failed to declare that he was under investigation at a subsequent renewal;
3. The applicant had therefore been given every opportunity to declare but had not done so.

**Advice** - The Committee suggested that the applicant reapply after 14 April 2017 by which time the application might be looked upon more favourably.

The Chair agreed to amend the order of the agenda so that Item 10 was heard.

### **33. Application for the grant of a Hackney Carriage driver licence seeking departure from Council policy – YKR.**

The Chair made introductions and outlines the procedure.

The Committee heard that the applicant sought exemption from the Gold Standard and Knowledge Test as he used to be a Hackney Carriage driver whose licence was revoked in 2008.

The applicant explained that he was currently registered in South Gloucestershire but wished to work in Bristol where it was busier. He knew all the roads from previously working in Bristol.

A friend of the applicant spoke in support of him.

The Committee went into deliberations.

**RESOLVED – that the exemption of the Knowledge Test be granted but the applicant undertake the Gold Standard and subject to passing this, the applicant was considered a fit and proper person.**

Reasons:-

1. The applicant was an experienced driver who knew Bristol very well;
2. All new Hackney Carriage drivers were required to pass the Gold Standard and subject to this, the applicant was a fit and proper person.

### **34. Application for the renewal of a Hackney Carriage driver licence – FF.**

The Chair made introductions and outlines the procedure.

The Committee heard that the applicant had applied to renew his licence on 10 February, whilst his licence expired on 12 February. He declared upon renewal an SP50, a speeding fine on 13 September 2015 for which he received 6 points on his licence. This was considered a Major Traffic Offence. It was noted that the conviction was on 12 May 2016 and the sentencing on 15 September 2016. Council policy on such convictions was that that such renewals would normally be refused if within 6 months of conviction.

The applicant explained that he was returning from a personal trip to London and was distracted by a family matter.

The Committee went into deliberations.

**RESOLVED – that the application for renewal be granted.**

Reasons:-

1. The Committee was satisfied that the applicant was a fit and proper person;
2. The applicant had declared the conviction on the first opportunity to do so;
3. The Committee was not departing from their policy based on the conviction date being outside of the six month period where such applications would normally be refused;
4. The Committee acknowledged that this was a very serious matter, earning six points on the applicant's licence and would not expect this to happen again.

Meeting ended at 3.15pm.

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