

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



**13 June 2017 at 11.00 am**

**Members Present:-**

**Councillors:** Chris Davies, Richard Eddy (Vice-Chair), Mike Langley, Paula O'Rourke and Ruth Pickersgill (Chair)

**Officers in Attendance:-**

**1. Election of Chair**

**Resolved – that Councillor Eddy be elected Chair of the Sub Committee for 2017/18.**

**2. Election of Vice Chair**

**Resolved – that Councillor O'Rourke be elected Vice-Chair of the Sub Committee for 2017/18.**

**3. Apologies for absence and substitutions**

Apologies were received from Councillor Nicola Bowden-Jones and Councillor Carole Johnson, substitute Councillor Ruth Pickersgill.

**4. Declarations 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 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).**

## **7. Complaints relating to a Street Trading Consent at Corn Street - Market Kebabs KB and RA**

KB and RA were in attendance.

The Licensing Officer introduced the report and summarised it for everyone. She advised that the operators have held a Late Night Refreshment Licence since 2006. She also confirmed that the Licensing Section have no record of any other complaints against the operators.

KB and RA put their case and answered questions highlighting the following:

- They have operated at their current location for a long time
- They always clean up the area each morning after finishing trading
- There is a lot of noise generated in the area from adjacent pubs and restaurants
- They have never had any complaints from the Markets Team
- They have acquired a new unit
- They have spoken with the hotel manager
- Two people work in their unit; there are never any large queues; the busiest time is around 1.00 am; they have a lot of regular customers
- They summed up their case

The Licensing Officer confirmed that any change of location for the unit would necessitate a new application being submitted.

The Licensing Officer and the Applicant 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 Legal Advisor reminded the Committee of their powers concerning Street Trading. These include the power to vary or revoke a Consent at any time. The Committee has to be satisfied that the complaint has been made out and that the problems in the area are directly attributable to the operators and their unit should they decide to uphold the complaint.

The Committee noted that there had been no complaints before the hotel opened. They also noted the



Police and Market Team had not submitted any evidence of problems caused by the operators.

The Committee decided that the complaint had not been substantiated with further documentary evidence from the hotel and could not be upheld. It would be a drastic step to take someone's livelihood away without being backed up with strong evidence.

Everyone returned to the room to hear the decision announced.

**Resolved – that the complaint had not been substantiated and could not be upheld.**

## **8. Exclusion of the 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.**

## **9. Application for the Grant of a Private Hire Driver's Licence - AH**

AH was in attendance.

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

AH put his case and answered questions highlighting the following:

- He has already been off the road for a number of weeks
- He had previously bought a car to use as a taxi
- He wants to look after his family
- He is not doing any other work and is living on benefits
- He has a good driving record
- The accident has cost him £10,000
- His son completed the application form on his behalf and had not ticked the appropriate box
- The court reduced his penalty to 3 points, which is the minimum
- He summed up his case

The Licensing Officer explained that the DSA Tests are not being conducted at present. The Knowledge Test is required and that the other requirements are checks.

The Licensing Officer and the Applicant 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.

Taking account of the circumstances of his case and his previous good record since 2004, the Committee decided that he should be granted a licence subject to him passing the other checks, except the Knowledge Test, from which he is exempted from being required to take.

Everyone returned to the room to hear the decision announced.

**Resolved – that AH be granted a Private Hire Driver’s Licence subject to him passing the other checks, except the Knowledge Test, from which he is exempted from being required to take.**

## 10 Application for the Grant of a Private Hire Driver's Licence - SA

SA was in attendance.

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

SA put his case and answered questions highlighting the following:

- He confirmed that he has a number of previous convictions
- He has appeared before the Committee previously and produced various character references
- Referring to the drink/drive conviction, his drink had been spiked by someone; he was advised to plead guilty by his solicitor to gain a lesser sentence
- Referring to offence of driving without insurance, he was driving a taxi for a company that was supposed to insure the vehicle, but had not
- Referring to the 2012 conviction, this related to him being accused of changing the price on an item in a shop; he was again advised to plead guilty by his solicitor
- He has been driving taxis since 1999 and has a good record
- He has made mistakes but wants a chance to rectify them
- These convictions have put a strain on his family and he is living on benefits. He had not worked for 2 years
- He thought that all the convictions had been dealt with by the Committee in 2015 and doesn't understand why they are in the report again
- He had been granted a licence with his criminal record previously. It was only since the more recent conviction that he lost his licence
- He can obtain references from people



- He wants an exemption from the Knowledge Test so that he can get back to work as soon as possible
- He summed up his case

The Licensing Officer and the Applicant 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 Legal Advisor confirmed to the Members that this is a fresh application and that they are entitled to look at the history and pattern of the Applicant's previous offences. She also reminded the Members of their Policy and that the drink/driving conviction is a Major traffic Offence that requires a 5 year period free from conviction.

The Members decided that SA had not satisfied them that he is fit and proper person to hold a licence and that the application should therefore be refused. The most recent conviction of being in charge of a motor vehicle whilst under the influence of alcohol was on its own, very concerning, but having regard to the totality of SA's offending conduct over a period of time, SA had a very heavy burden to discharge in order to prove that he was a fit and proper person to hold a licence. He had failed to do so.

Everyone returned to the room to hear the decision.

**Resolved - that the application for the Grant of a Private Hire Driver's Licence submitted by SA be refused on the ground contained in section 51 of the Local Government (Miscellaneous Provisions) Act 1976 in that he had not satisfied the Council that he is a fit and proper person to hold such a Licence.**

### **11 Application for the Grant of a Hackney Carriage Licence Seeking Departure from Bristol City Council Policy - MJEB**

PC was in attendance as the representative of MJEB. He is the supplier of the vehicle.

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

PC put the case for MJEB and answered questions highlighting the following:

- The new vehicle is a replacement for a TX1 for which spare parts are no longer available
- The vehicle was obtained from Scotland and repainted
- PC had wrongly put himself as the owner of the vehicle
- They had not been aware of the moratorium in relation to the change of Policy
- He felt that the advice received from BCC was not always clear
- The owner had paid £11,000 for the vehicle; it had been passed by BCC and repainted
- No reference was made to the change of Policy
- The vehicle was registered with BCC on 22<sup>nd</sup> or 23<sup>rd</sup> February



- Another vehicle had been accepted by BCC after the moratorium
- He summed up the case

Referring to the other vehicle accepted, the Licensing Officer explained that because the application was made within the 3 month grace period and was therefore a renewal not a grant.

The Licensing Officer and applicant left the room whilst the Committee made its decision.

### **Decision**

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

Members noted their Policy.

Members noted the particular circumstances concerning this case. They considered that they could depart from their Policy in this case without undermining it. They therefore decided to grant the application.

Everyone returned to the room to hear the decision announced.

**Resolved - that the application for a Hackney Carriage Vehicle Licence submitted by MJEB be granted.**

Meeting ended at 2.30 pm.

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

