

Bristol City Council

Minutes of the Public Safety and Protection

Sub-Committee B (Remote/Virtual)

12th May 2020 at 10.00 am



Members Present:- Councillors Chris Davies (part), Fi Hance, Carole Johnson (part) and Ruth Pickersgill (Chair).

Also in attendance:- Shreena Parmar (Legal Advisor), Carl Knights (Senior Licensing Officer – Policy Advisor for Agenda Item 8, and Presenting Officer for Items 9 and 10), Sarah Flower (Senior Licensing Officer – Policy Advisor for Agenda Items 9 and 10), Norman Cornthwaite (Democratic Services), Alison Wright (Neighbourhood Enforcement Team - Presenting Officer for Agenda Item 8).

1. Welcome and Safety Information

The Chair explained the legal framework to the Meeting and how it would proceed.

2. Apologies for Absence

Apologies were received from Councillor Richard Eddy, substitute Ruth Pickersgill.

3. Declaration of Interest

There were no declarations of interest.

4. Minutes of the Previous Meeting

Resolved – that the Minutes be agreed as a correct record of the Meeting for signature by the Chair.

5. Public Forum

There were no public forum statements.

6. 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.

7. 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.

8. Application for the Grant of a Hackney Carriage Driver Licence: SMA (Agenda Item No.8)

The Neighbourhood Enforcement Officer advised Members that SMA had indicated that he would not be attending the Meeting for a number of reasons. He was not comfortable participating in the Meeting via Skype. He had also lodged an appeal with the Courts.

The Policy Advisor explained the background to the case. The previous licence held by SMA had already expired and, notwithstanding any decision that the Committee makes, no licence can be issued to him until he has completed a satisfactory DBS check. He would not therefore be disadvantaged by his case being adjourned until a future Meeting of the Committee. It was also noted that the Courts cannot consider an appeal against a decision that has not yet been made.

Members agreed that consideration of this case be deferred until a future Meeting of the Committee. It was also agreed that Officers should write to SMA clearly explaining the situation to him and that the letter should be followed up by a telephone call if this is necessary.

Resolved – (voting 4 for, 0 against) that consideration of this case be deferred until a future Meeting of the Committee. It was also agreed that Officers should write to SMA clearly explaining the situation to him and that the letter should be followed up by a telephone if this is necessary.

9. Application for the Grant of a Private Hire Driver Licence: SIS (Agenda Item No. 9)

SIS was in attendance, accompanied by two representatives and an interpreter.

(The interpreter was not in attendance at the start of this item when the Senior Licensing Officer presented his report, however SIS confirmed that he had previously received a copy of the report and understood what he had heard the Senior Licensing Officer say to the Committee.)

The Senior Licensing Officer introduced the report and summarised it for everyone. He confirmed that SIS had not had a recent DBS check.

One of the representatives drew everyone's attention to a written statement submitted earlier on behalf of SIS. He highlighted that SIS had been granted a Licence in 2018 and that the two offences committed since then were now more than 6 months old. He conceded that SIS had not advised BCC of the offences until September 2018 – contrary to the requirements of his Licence. SIS had submitted an application form for a Licence in January 2020 and paid the fee but the form was not on his BCC file. BCC had considered SIS a fit and proper person in 2018 and he has since committed two offences which are now over 2 years old. On both occasions he was only 7 mph above the speed limit. SIS has received very positive feedback from Uber and is not a danger to the public. He should therefore be granted a Licence.

The Senior Licensing Officer confirmed that the application form from SIS had not found its way onto the file.

The second representative confirmed that this is not a public safety issue and that SIS had received an excellent report from Uber.

SIS drew the Committee's attention to his statement submitted earlier. He stated that he did not consider that his past history was relevant to this application and that only his two most recent offences should be taken into account. In response the Chair stated that the Committee has the right to look at the whole history of an applicant before making a decision on any application.

SIS apologised to the Members for his past behaviour and confirmed that he was aware of public safety issues.

In response to a question concerning his request for exemption from taking the Knowledge Test and the Gold Standard Course again, SIS stated that he had taken both previously and therefore considered it not necessary for him to take them again.

The Senior Licensing Officer reminded the Committee that the BCC Policy requires a new applicant to take the Knowledge Test and complete the Gold Standard Course as well as undertake a DBS check.

The Senior Licensing Officer, SIS, his two representatives and the interpreter left the Meeting whilst the Committee made its decision.

Decision

The Legal Advisor provided legal advice to the Committee.

The Committee noted all of the written and verbal evidence put before it.

The Members noted the history of SIS and that his Licence had been restored in 2018, followed by him committing two speeding offences and failing to disclose the offences at the time resulting in his application for a Licence being refused in February 2019. The Members also noted that his last offence was now more than 6 months ago.

In regards to the request from SIS to exempt him from being required to take the Knowledge Test and complete the Gold Standard Course, the Members did not consider that they had heard enough evidence to convince them to set aside their Policy and agree to this request.

The Members therefore agreed that the application by SIS for a Private Hire Driver's Licence be granted subject to him completing the elements of the Council's fit and proper person test specified in paragraph 13 of the Report.

Everyone returned to hear the decision.

Resolved – (voting 4 for, 0 against) that the application by SIS for a Private Hire Driver's Licence be granted subject to him completing the elements of the Council's fit and proper person test specified in paragraph 13 of the Report.

(Councillors Davies and Johnson left the Meeting after this Item.)

10. Application for the Grant of a Private Hire Driver Licence: MA (Agenda Item No. 10)

MA was in attendance.

The Senior Licensing Officer introduced the report and summarised it for everyone. He confirmed MA had not notified BCC of the offences.

MA put his case highlighting the following:

- He was running a mobile 'phone repair shop at the time of the offences
- He was not aware that the goods he was selling had false trade marks; he had been misled by his suppliers and had bought the items in good faith
- He had pleaded guilty in court and this had resulted in fines for both himself and his company
- He was not aware that he was required to inform BCC of the offences at the time; he had informed BCC when he submitted a renewal application
- He is an honest person and has never done anything illegal before
- He is now in a lot of debt because he has not been able to work as a taxi driver

The Senior licensing Officer advised the Members that there have been no other issues with MA since has been a taxi driver

The Senior Licensing Officer and MA left the Meeting whilst the Committee made its decision.

Decision

The Legal Advisor provided the Committee with legal advice and Members were reminded that their Policy requires a period of 3 to 5 years free from conviction following Offences of Dishonesty. They were also reminded of taxi drivers' responsibilities regarding due diligence and that the applicant should have been aware of the nature of the goods he was selling. He may be offered opportunities for dishonesty whilst working as a taxi driver. Members should only depart from their Policy in exceptional circumstances.

The Committee considered all of the written and verbal evidence presented to it.

The Members noted the previous good character of MA, that he had shown remorse and that he had been fined for the offences which had occurred more than 6 months previously.

The Members therefore decided to make an exception to their Policy in this case and grant a Licence to MA. They also requested that MA be made aware of the fact that any future offences would result in him being brought back before the Committee with a full range of options open to it including revocation or suspension of his Licence.

Everyone returned to hear the decision.

Resolved – (voting 2 for, 0 against) that the application by MA for a Private Hire Driver's Licence be granted but that MA be made aware of the fact that any future offences would result in him being brought back before the Committee with a full range of options open to it including revocation or suspension of his Licence.

The meeting ended at 3.40 pm.

Chair