



Agenda Item No: 7

Bristol City Council
Minutes of the Public Safety and Protection Committee
(Sub-Committee A)

Tuesday, 19 April 2016 at 10.30 am

Members Present:-

Councillors Hance, Hiscott, Means

Officers in Attendance:-

Elaine Kale – Regulatory Lawyer

Steve Gregory – Democratic Services Officer

Carl Knights – Senior Licensing Officer

Abigail Holman - Senior Licensing Officer

1. Apologies for absence

None received.

2. Declarations of Interest

Councillor Hiscott declared a non - pecuniary interest in respect of agenda item 13 and withdrew from the meeting, during consideration of the Application to avoid any perception of a conflict of interest.

3. Public Forum

None received.

4. Minutes

PSP Sub-Committee A, Tuesday 23rd February 2016

Resolved – that the Minutes of the above meeting be agreed and signed by the Chair.

5. Consideration of the Suspension of Committee Procedure Rules (CMR 10 and CMR 11) relating to the Moving of Motions and Rules and 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 (CMR 10 and CMR 11) be suspended for the duration of the meeting.

6. Changes to the published agenda

Resulting from advice given by Licensing Officers, the Committee agreed to the removal of agenda items 9 and 10 from the published agenda.

7. Application for the grant of a Hackney Carriage Licence seeking departure from Bristol City Council Policy – HM (*Agenda item 7*)

The Committee noted that on 15 March 2016 the Council had received an application for the grant of a new Hackney Carriage. The vehicle was first registered on 4 May 2012 and was purchased on 1 February 2016. It was stated that the vehicle was to replace a previous vehicle which had been written off due to a fire.

The Committee inspected the vehicle prior to consideration of the Application.

The Committee noted the concerns expressed by the Applicant about advice given to him by telephone about the Council's Policy on replacement vehicles. The Policy in relation to this meant that any replacement vehicle should be brand new however the Applicant claimed to have been advised that a vehicle up to 3.5 years old would be acceptable.

The Committee considered the particular circumstances of the case and concluded that the vehicle as purchased was acceptable for public use and met the standards required with regard to age of the vehicle, safety aspects, fire extinguisher and the correct livery required. The Committee also noted the concerns of the Applicant about financial loss experienced.

Resolved – that the Application for the grant of a Hackney Carriage Licence seeking departure from Bristol City Council Policy be upheld.

Reasons:

- 1. The information given to the Applicant was unclear;**
- 2. Licensing Officers had not kept a record of telephone advice given;**
- 3. The Applicant had relied on advice given by Licensing Officers;**
- 4. Public safety aspects had been fully met.**

8. Application for the renewal of a Hackney Carriage Licence seeking departure from Bristol City Council Policy – AH (*Agenda item 11*)

During consideration of the Application new evidence was presented that AH was not the Proprietor, as indicated on the Application. The Committee was informed that the Registered Keeper was now the Proprietor.

After seeking legal advice the Committee was advised that recent case law had established that the Application must be signed by the current Proprietor to be valid. The Committee was

therefore recommended to defer further consideration until this matter had been properly resolved.

Resolved – that the Application for the renewal of a Hackney Carriage Licence seeking departure from Bristol City Council Policy be deferred to establish the correct ownership of the vehicle.

9. Exclusion of the Press and Public

Resolved – that under Section 11A (4) of the Local Government Act 1972, the public be excluded for the following items 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.

10. Application for the grant of a Hackney Carriage Driver Licence seeking departure from council policy – AMC (Agenda item 13)

(Exempt Paragraph 3 – information relating to a person’s financial or business affairs)

(Councillor Hiscott was not in attendance during the consideration and decision of this item)

The Committee was advised that all applicants for a HCD licence were required to pass the Knowledge Test, for HCL applicants, with an overall pass mark of 90 in accordance with Council Policy. The Applicant had taken the test four times but had not reached the overall pass mark of 90.

The Applicant had applied for a departure from existing policy on the grounds that –

1. The Applicant’s extensive knowledge and experience of the City;
2. The City was constantly changing and therefore the accuracy of some of the test questions was questionable and possibly contributed to the overall pass mark being lower than the required level. This had been the subject of a complaint and subsequent investigation by the Local Ombudsman;

Resolved – that the Application for the grant of a Hackney Carriage Driver Licence seeking departure from council policy be refused.

Reasons:

1. **The Council’s Policy and the overall pass mark of 90 was designed to ensure that the standards required were maintained and applied equally to all applicants;**
2. **The Ombudsman findings, that the Applicant had not been disadvantaged by inaccuracies contained in the Knowledge Test, were supported in full.**

11. Date of next meeting (AGM)

Tuesday, 7 June 2016 at 10 am

CHAIR

(The meeting ended at 1.10 pm)