

# Bristol City Council

## Minutes of the Public Safety and Protection Sub-Committee A



16 August 2022 at 10.00 am

### **Members Present:-**

**Councillors:** Richard Eddy (chairing the meeting), Marley Bennett and Chris Davies

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

Lynne Harvey (Legal Adviser) , Carl Knights (Licensing Policy Advisor) and Jeremy Livitt (Democratic Services – clerk for the meeting)

### **Also Attending:**

For Agenda Item 8 - Wayne Jones (Neighbourhood Enforcement Team) and PC Patrick Quinton (Taxi Compliance Officer)

For Agenda Items 9 and 10 – Dakota Ferrara (Senior Licensing Officer)

### **13 Election of Chair**

In the absence of Councillor Amal Ali, Councillor Richard Eddy was elected to chair the meeting.

### **14 Welcome and Safety Information**

Councillor Richard Eddy welcomed all parties to the meeting and explained arrangements in the event that there was an emergency evacuation procedure.

### **15 Apologies for Absence**

Apologies for absence were received from Councillors Amal Ali and Tessa Fitzjohn.

### **16 Declarations of Interest**

There were no Declarations of Interest.



## **17 Minutes of the Previous Meeting held on 21st June 2022**

**RESOLVED – that the minutes held on 21<sup>st</sup> June 2022 be confirmed as a correct record and signed.**

## **18 Public Forum**

There were no Public Forum items.

## **19 Suspension of Committee Procedure Rules CMR10 and CMR11 Relating to the Moving of Motions and Rules of Debate**

RESOLVED – that CMR10 and CMR11 be suspended.

## **20 Exclusion of Press and Public**

RESOLVED – that that the press and public be excluded from the following items of business to allow consideration of items containing exempt information under Paragraph 1 of Part 1 of Schedule 12(A) of the Local Government Act 1972.

## **21 OMM - Report To Consider Any Action To Be Taken In Regard To Both Current Private Hire Driver and Vehicle Licences**

Wayne Jones introduced this report of an application by OMM to renew a Private Hire Driver Licence.

He explained the following:

- OMM was granted a Private Hire Driver’s licence on 24 August 2020, and his current licence is due to expire on 23 August 2022. He referred to the supplementary report which indicated that OMM had recently submitted an application to renew the licence.
- OMM also holds a Private Hire Vehicle licence since 11 September 2020, and this licence is due to expire on 27 November 2022.
- On 16th June 2022, an email was received at the Neighbourhood Enforcement Team (NET) by the Taxi Compliance Officer, PC Quinton, raising concerns about the “Fit and Proper” status of OM to hold a Private Hire Driver and Vehicle Licences. PC Quinton informed the NET of several motoring issues regarding the licensed vehicle for which OMM is the proprietor

Patrick Quinton addressed the meeting and pointed out that there had been a series of speeding offences carried out either by OMM or by AR who had been nominated by him to drive the car on his behalf. He explained that the driver had failed to provide appropriate identification when required to do so and may have conspired to pervert the course of justice.



The Sub-Committee noted that once an individual was granted a licence, they were responsible for it.

In addressing the meeting, OMM explained that COVID had badly affected his financial situation since taxiing was his livelihood. Since he knew AR, he had rented his car to him to enable him to support his family. Unfortunately, AR had now stopped contact with OMM. OMM had also requested a freeze on some of his car payments. He had never committed a crime before and needed to feed his family. He requested that the Sub-Committee show leniency for his situation.

Councillor Richard Eddy reminded OMM that the primary purpose of this Sub-Committee is to protect and prevent harm to the public and was unable to take into account economic circumstances. Whilst it was appreciated that the COVID era has been stressful to the taxi sector, this was the same for other areas and not a unique pressure.

In responding to questions from the Sub-Committee and Licensing Policy Adviser, OMM confirmed the following:

- OMM was driving for the offence committed in April 2022
- OMM had continued to rent his vehicle to AR despite AR having been convicted of failing to provide documents for an offence in July 2021
- OMM could not remember whether or not he was driving the vehicle for offences on 1<sup>st</sup> June 2021, 13<sup>th</sup> June 2021 and 12<sup>th</sup> July 2021. However, it was noted that it was likely he was since Uber identification was usually required before he would be able to use the vehicle
- OMM acknowledged that it was wrong to rent his vehicle to an unlicensed driver but needed to pay bills to support his family

Councillor Eddy then requested that all parties withdraw to enable the Sub-Committee to make its deliberations on this issue.

Upon their return, he confirmed the Sub-Committee's decision as set out below:

**RESOLVED – that the Sub-Committee believes that OMM is not a fit and proper person to hold a licence and is therefore revoking both his existing licences and rejecting his request for a renewal of his Private Hire Driver Licence.**

## 22 DLTD - Application for the Grant of a Private Hire Driver Licence

Dakota Ferrara introduced this report and made the following points:

- DLTD applied for the grant of a Private Hire Driver (PHD) Licence on 9 May 2022. He had previously held a PHD licence from 2006 to 2010 to a number of offences which are now outside the scope of our Policy



- DLTD has requested an exemption from the Council's private hire knowledge test and gold standard training course

The Sub-Committee was advised by the Licensing Policy Adviser that

- The Gold Standard could not yet be provided as the previous provider of the course was no longer arranging it. It was likely that this course would be replaced in future by a 1 day disability course
- If the Sub-Committee was minded to grant the application, it was recommended that there should also be a condition that the licence holder should complete any replacement course within 1 year of application
- The Sub-Committee would also need to consider the issue of the knowledge course which had been temporarily unavailable to be booked recently but was now available again
- It would also be essential for DLTD to pass a safeguarding course as was required for all Private Hire Driver Licence holders

DLTD made the following points to the Sub-Committee:

- He had lost his driving licence years ago due to some bad behaviour in the past
- Since 2011 he had a driving licence and had worked as a First Bus driver in Hengrove – first full time and then on an agency basis due to the number of hours he was working full time and the impact it had on his family life
- He was now driving buses in Bath which was a much better work/life balance.
- He had 4 small kids. Working as a taxi driver gives me flexibility to provide for my children but also allows my life to work
- He worked for Yellow Cabs in Bedminster for 18 years but had to leave as they asked me to work for them 7 days a week. He had a good knowledge of Bristol from my experience in my previous work.
- He has been advised the knowledge test was not in place when he had previously applied. He wanted to take a local test in Bristol rather than go to South Gloucestershire

The Sub-Committee were advised by the Licensing Policy Adviser that, following the recommencement of the knowledge tests, it was possible there might be a place available as soon as today.

Councillor Richard Eddy asked both parties to withdraw to allow the Sub-Committee to make its deliberations.

Upon their return, he announced the Sub-Committee's decision as follows:

**RESOLVED - That DLTD could be treated as an exception to Council policy and be exempted from taking the knowledge test AND that DLTD be granted a private hire driver's licence subject to additional conditions that:**



- i. **within a year of a test being introduced to replace the Gold Standard test DLTD will be required to successfully complete it.**
- ii. **within 6 months of the licence being granted DLTD will be required to successfully complete safeguarding training**

**Reasons: DLTD had demonstrated to the Committee that he possessed an excellent knowledge of the city and he had a number of years' experience of working in the private hire trade. He had therefore satisfied the Committee that he was a fit and proper person to hold a private hire driver's licence and could be treated as an exception to Council policy.**

### **23 ATA - Application for the Grant of a Private Hire Driver Licence**

Dakota Ferrara introduced this report. She stated that ATA has applied for the grant of a Private Hire Driver (PHD) licence on 15 March 2022 and has requested an exemption from the Council's private hire knowledge test.

The Sub-Committee noted that it was a requirement for anyone applying for a PHD licence that they needed to take the knowledge test. It was noted that, after a brief period when it had not been available, the test was now available for booking.

The Licensing Policy adviser explained that the purpose of the knowledge test was to ensure that the applicant could demonstrate knowledge of road signs, pubs, clubs bars and districts of Bristol. There also needed to be an understanding of road laws and of basic maths questions (for when money was exchanged).

ATA made the following points:

- He had worked since he was 16 and was the only means of support for his family
- He currently worked one of the jobs but due to time constraints would have to stop one of the jobs to take the test
- His mother had a problem with one of the bones and as a result, he had to drop out of university and take 2 jobs to support her
- Whilst he was a delivery driver during COVID, they did not give him enough hours and so he had stop doing this. A Private Hire Driver role would also be easier as there were more flexible hours.

The Licensing Policy Adviser confirmed that there had been a new test since COVID. He explained that the current test requires less local knowledge and has a lower pass mark.

Councillor Richard Eddy then requested that both parties withdraw to allow the Sub-Committee to make its deliberations.

Upon their return, he advised them of the decision as follows:



**RESOLVED - that ATA had not satisfied the Committee that he should be exempted from taking and passing the knowledge test.**

**Reasons: The knowledge test is part of the Council's fit and proper person test and there is an expectation that all new applicants for a driver's licence will undertake that test. The Committee considered that there were no exceptional circumstances in ATA's case to justify an exception being made to Council policy without undermining it or the reasons that underlie it. The application to be exempted from the knowledge test was therefore refused.**

#### **24 Date of Next Meeting**

It was noted that the next meeting is scheduled to be held at 10am on Tuesday 18th October 2022 in a Committee Room, City Hall, College Green, Bristol.

Meeting ended at 12.05pm

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

