

Bristol City Council

Minutes of the Public Safety and Protection Committee A



16 October 2018 at 10.00 am

Members Present:-

Councillors:

Councillor Chris Davies
Councillor Richard Eddy (Chair)
Councillor Fi Hance (for Cllr Langley)
Councillor Sultan Khan
Councillor Jo Sergeant (for Cllr Tincknell)

Officers in Attendance:-

Ashley Clark – Legal Services
Abigail Holman – Licensing Section
Wayne Jones – Neighbourhood Enforcement Team (NET) (part)
Norman Cornthwaite – Democratic Services

1. Apologies

Apologies were received were received from Cllr Langley, substitute Cllr Hance and Cllr Tincknell, substitute Cllr Sergeant.

2. Declaration of Interest

None were received.

3. Public Forum

Nothing was received.

4. 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).

5. Exclusion of the Press and Public

Resolved – that under Section 11A (4) of the Local Government Act 1972, the press and 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.

6. Application for the Grant of a Private Hire Vehicle Licence seeking departure from BCC Policy - ZG

ZG was in attendance.

The Chair explained the procedure that would be followed and everyone introduced themselves.

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

The Members of the Committee inspected the vehicle.

ZG then put his case and answered questions highlighting the following:

- He works for National Taxis and wants to carry out executive work
- He already has a Private hire Vehicle but this does not generate enough income for him
- He considers that executive work will generate more income for him
- He did not know about applying for an exemption to not be required to carry plates on his car for executive work (and therefore did not apply)
- He has been a taxi driver for 4 years and has found that a number of customers want tinted glass
- He misunderstood the Council's Policy concerning diesel vehicles as he considers that the Policy is not clear and this led to him misunderstanding its requirements concerning the licensing of diesel vehicles
- He would expect to use the vehicle for about 5 years
- He summed up his case

The Licensing Officer stated that to qualify for executive work status a driver would have to spend at least 75% of his/her time doing this type of work and BCC would expect to see evidence to back this up. This evidence would include a statement from an employer confirming that a driver would be spending at least 75% of time doing executive work, a contract requiring tinted windows on the vehicle, dress code requirements as well as other evidence from the company concerning work and requirements.



The Licensing Officer read out the Policy concerning diesel powered vehicles and advised Members that this Policy was agreed by the Full Committee on 28th February 2017 and came into effect on 1st April 2018. She also confirmed that a vehicle could be used for private hire purposes up to 12 years from first registration.

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

Decision

The Members considered very carefully all of the written and verbal evidence presented to them. They also noted the visual inspection of the vehicle.

They noted their Policy. A licence can only be granted for a diesel vehicle if there is no petrol version of the vehicle. They noted that although exemptions for tinted glass have been allowed, these relate to executive work and Members must be satisfied that they have seen sufficient evidence to persuade them that the vehicle would be used predominantly for executive work.

The Members did not consider that they had been presented with sufficient evidence to confirm that the vehicle would be used for executive work and therefore persuade them to set aside their Policy in this case. The Members, whilst having sympathy for ZG if he misunderstood the Policy concerning diesel vehicles, also did not consider that they had heard sufficient evidence to persuade them to set aside the Policy in this case. They therefore agreed to refuse the application.

Everyone returned to the room to hear the announcement of the decision.

Resolved – that the application for a Private Hire Vehicle Licence made by ZG be refused as the vehicle does not comply with the Council’s Policy relating to Private Hire Vehicles.

7. Application for the Grant of a Private Driver's Licence - WA

WA was not in attendance.

The Licensing Officer advised the Members that a letter had been sent to WA stating that if he did not attend this Meeting his application would be decided in his absence. The Committee therefore agreed to consider the application in his absence.

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

The Legal Advisor explained the Confiscation Order.

Decision



The Licensing Officer left the room while the Committee made its decision.

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

They noted their Policy.

They considered that they had not been presented with sufficient evidence to persuade them to set aside their Policy in this case. They therefore decided to refuse the application.

The Licensing Officer returned to room to hear the announcement of the decision.

Resolved - that the application for a Private Hire Driver's Licence made by WA be refused as he has not convinced the Council that he is a fit and proper person to hold such a Licence.

8. Application for the Renewal of a Private Hire Driver's Licence - NHA

NHA was in attendance accompanied by a solicitor.

The Chair explained the procedure that would be followed and everyone introduced themselves.

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

The solicitor put the case for NHA highlighting the following:

- He has been a taxi driver since 2006 with no complaints or accidents
- There are now only 4 points live on his licence
- Although 2 of the offences are defined as major offences, they should be viewed in comparison to driving without due care and attention or dangerous driving
- He has already been without his Private Hire Driver's Licence for nearly a month

NHA answered questions highlighting the following:

- The 2013 Offence relates to when he was late for a job and was travelling at over 50 mph
- He has attended 2 Speed Awareness Courses in 2012 and 2017
- He did not receive any points on his licence when he first worked as a taxi driver, but since he moved to Shirehampton he has started speeding

The solicitor summed up his case.

The Licensing Officer, NHA and solicitor left the room while the Committee made its decision.



Decision

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

They noted their Policy. They noted that the 2 most recent offences are major offences and have both occurred in the last 5 years.

They had concerns about the pattern of behaviour that has been established by NHA and the potential danger this poses to himself, and other road users. They therefore decided to refuse the application for renewal of the licence.

Everyone returned to the room to hear the announcement of the decision.

Resolved - that the application for renewal of a Private Hire Driver's Licence made by NHA be refused as he has not convinced the Council that he is a fit and proper person to hold such a Licence.

9. Application to Renew a Private Hire Driver's Licence - HK

HAK was in attendance accompanied by his wife.

The Chair explained the procedure that would be followed and everyone introduced themselves.

The Licensing Officer introduced the report and summarised it for everyone. She advised that CU80 refers to the use of a mobile 'phone whilst driving.

HAK put his case highlighting the following:

- He had been driving when he received a message and looked it; he was stopped by the Police
- There were no passengers in the car at the time
- He accepted that it had been a mistake not to include details of the offence on his application form
- He had completed the required form and paid the fine
- He summed up his case

The Licensing Officer, HAK and his wife left the room while 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.



The Members noted that HAK had only been fined £100, that it was a one off offence, that he has an otherwise unblemished record and that there were no passengers in the car at the time of the offence. They therefore agreed to renew his Licence.

Everyone returned to the room to hear the announcement of the decision.

Resolved – that the application for renewal of a Private Hire Driver’s Licence made by HAK be granted.

10 Application for the Renewal of a Hackney Carriage Driver's Licence and consideration of the conduct of a Private Hire Driver - OE

It was noted that a request for a deferment of this item had been received.

It was therefore

Resolved – that consideration of this case be deferred until a future Meeting of the Committee.

11 Consideration of whether a Hackney Carriage Driver is a fit and proper person - HA

It was noted that a request for a deferment of this item had been received.

It was therefore

Resolved – that consideration of this case be deferred until a future Meeting of the Committee.

12 Report following Police Investigations - SA

It was noted that a request for a deferment of this item had been received.

It was therefore

Resolved – that consideration of this case be deferred until a future Meeting of the Committee.

13 Private Hire Driver dealt with by an Out of Court Disposal - MASA

MASA was in attendance accompanied by a colleague.

The Chair explained the procedure that would be followed and everyone introduced themselves.

The Neighbourhood Enforcement Team Officer introduced the report and summarised it for everyone. It was noted that a written statement from MASA had been circulated to Members the previous day.



Members watched a video of the incident.

MASA put his case highlighting the following:

- He confirmed that the fare was not pre-booked
- His lanyard was not broken but he was not wearing it
- He was sorry for the incident
- He summed up his case

His colleague confirmed that he has been working a long time and was sorry for the incident.

The Neighbourhood Enforcement Team Officer, MASA and his colleague left the room while 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.

The Members noted that the details of the offence and punishment for it. They also noted that MASA has an otherwise unblemished record. They therefore decided to suspend his Licence a period of only 1 month.

Everyone returned to the room to hear the announcement of the decision.

Resolved – that the Private Hire Driver’s Licence held by MASA be suspended for a period of 1 month.

14 Consideration of whether a Private Hire Driver is a fit and proper person - NO

NO was in attendance.

The Chair explained the procedure that would be followed and everyone introduced themselves.

The Neighbourhood Enforcement Team Officer introduced the report and summarised it for everyone.

NO put his case highlighting the following:

- He had had an accident in his own car
- He borrowed a car from a friend
- The car is registered as a Private Hire Vehicle by South Gloucestershire Council



- He thought the car was insured
- He was not working as a taxi driver at the time of the offence
- He summed up his case

The Neighbourhood Enforcement Team Office and NO left the room while 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.

They noted that the fine imposed on him was not high and that was an isolated incident. They therefore agreed to issue him with a warning and take no further action.

Everyone returned to the room to hear the announcement of the decision.

Resolved – that NO be issued with a warning as to his future conduct and no further action be taken.

Meeting ended at 2.30 pm

CHAIR _____

