

Bristol City Council

Minutes of the Public Safety and Protection Sub-Committee A



13 October 2020 at 10.00 am

Members Present:-

Councillors: Tom Brook, Steve Jones, Ruth Pickersgill (Chair) and Estella Tincknell

Officers in Attendance:-

Sarah Flower (Senior Licensing Officer - Policy Advisor Agenda Items Nos. 8 and 9), Carl Knights (Senior Licensing Officer - Policy Advisor Agenda Item No. 10), Ashley Clark (Legal Advisor), Alison Wright (Neighbourhood Enforcement Officer), PC Patrick Quinton (Avon and Somerset Police) and Norman Cornthwaite (Democratic Services)

1. Welcome and Safety Information

The Chair welcomed everyone to the meeting and drew attention to the Meeting procedure.

2. Apologies for Absence

Apologies were received from Councillor Lucy Whittle.

3. Declarations of Interest

None received.

4. Minutes of the Previous Meeting

The Minutes of the PSP Sub Committee A Meeting on 18th August 2020 were agreed as a correct record.

5. Public Forum

Nothing received.



6. Suspension of Committee Procedure Rules CMR10 and CMR11 Relating to the Moving of Motions and Rules of Debate

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 Press and Public

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 Private Hire Vehicle Licence seeking exemption from Council Policy - SM

SM was in attendance.

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

SM put his case and answered questions highlighting the following:

- He has been in contact with the Licensing Office
- He had been granted a 3 months extension to his licence
- He has not been able to work due to Covid 19
- He has requested an extension totalling 6 months; 3months on top of the 3 months already granted
- The original 3 months extension has now almost run out so he would like a 6 months extension from today

It was noted that he had been granted a 3 months extension from 26th July 2020 and that he was required to submit an application for the extension by 25th October 2020. It was confirmed that he had done this, although it appeared that initially SM had not been aware of this requirement. It was further noted that any extension granted had to run from 26th July 2020 meaning that if a 6 months extension was granted it would expire on 25th January 2021. Members could not agree to a 6 months extension from today as this would be a significant departure from Policy.

Decision

The Senior Licensing Officer and Applicant left the Meeting whilst the Members considered their decision and returned afterwards.



The Members noted all of the written and verbal evidence presented to them.

They noted their Policy.

They decided that SM should be granted a 6 months extension to his licence subject to the vehicle passing all of the required inspections and tests.

They agreed to depart from their Policy in this case as they noted the exceptional circumstances – that the vehicle is an 8 seater vehicle which helps with social distancing for those travelling in it and that these types of vehicles are rare in hybrid or electrical versions; that there had been some confusion in relation to the 3 months extension granted and that SM had not been able to work due to Covid 19.

It was therefore

RESOLVED (Voting 3 for, 0 against) – that SM be granted a 6 months extension to his Private Hire Vehicle Licence starting on 26th July 2020 and expiring on 25th January 2021, subject to the vehicle passing all of the required inspections and tests.

Councillor Tincknell joined the Meeting.

9. Application for the Grant of a Private Hire Vehicle Licence seeking exemption from Council Policy - DL

DL was in attendance.

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

DL put his case and answered questions highlighting the following:

- He was aware of the Policy
- He was not able to afford a new car due to his income having been greatly reduced by the effects of Covid 19
- He would like an extension to his licence to enable him to continue to work with a view to earning enough money to enable him to replace the vehicle
- The vehicle needs a small amount of work done to it but it has passed the emissions tests

Decision

The Senior Licensing Officer and Applicant left the Meeting whilst the Members considered their decision and returned afterwards.

The Members noted all of the written and verbal evidence presented to them.



They noted their Policy.

It was noted that each decision had to be made on the merits of the case and that all decisions must be made on public safety grounds.

It was noted that drivers who required medicals but are unable to arrange these due to the present circumstances are being granted a 6 months extension on their licences.

Following very careful consideration it was suggested that DL be granted a 6 months extension to his licence due to the exceptional circumstances relating to this case and the fact that public safety would not be compromised by the extension.

On being put to the Vote it was

Resolved – (Voting 3 for, 1 against) that DL be granted a 6 months extension to his Private Hire Vehicle Licence.

10 To determine whether action should be taken against the holder of a Private Hire Licence and a Hackney Carriage Driver Licence - SK

SK was in attendance, accompanied by his solicitor SS.

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

SS put the case on behalf of SK and answered questions highlighting the following:

- He was parked when approached by a member of public who wanted to travel to Temple Meads urgently
- He advised the member of the public that he must book the journey with V Cars before he could take him
- The member of the public got into the car and would not leave it
- He was offered £20 for the journey but advised the member of the public that the fare was only £8
- The member of the public used his phone and he could hear that the person on the other end was very agitated
- Under pressure he made a bad choice and allowed the member of the public to travel
- He was stopped shortly afterwards and admitted the offence
- In future he would get out of the car and call the Police

PC Quinton advised that he had reviewed his body cam footage. He was unable to comment on any conversation that had taken place between SK and the member of the public as he was not in the car. The member of the public stated that a fare of £8 had been agreed. It was confirmed that SK had admitted the offences.



SS outlined SK's family circumstances. He highlighted SK's good driving record with no penalty points on his licence. He is safety conscious and law abiding until this one off incident. He has accepted the penalty and paid the fine. Bearing in mind his exemplary record it is clear that he has let himself, his family and the Licensing Authority down. The fare was very modest.

Decision

The Neighbourhood Enforcement Officer, Police Officer, solicitor and Applicant left the Meeting whilst the Members considered their decision and returned afterwards.

The Members noted all of the written and verbal evidence presented to them.

Members considered that their Policy stated that a period of 6 months should pass following an offence of plying for hire and driving without insurance before a licence be granted. They were however minded to depart from the policy in light of SK's explanation of how the incident occurred, his previous completely clean licence, his immediate admission of the offences and payment of the fine. They resolved to suspend both his licences for a period of 1 month.

It was therefore

Resolved – (Voting 4 for, 0 against) that the Private Hire Driver's Licence and Hackney Carriage Driver's Licence held by SK be suspended for a period of one month.

Meeting ended at 12.10 pm

CHAIR _____

