

Bristol City Council

Minutes of the Public Safety and Protection

Sub-Committee A

11 June 2019 at 10.00 am



Members Present:- Councillors Sultan Khan, Ruth Pickersgill (Chair) and Estella Tincknell

Also in attendance:- Abigail Holman (Licensing Officer), Corrina Haskins (Democratic Services), Shreena Parmar (Legal Advisor) and Alison Wright (Neighbourhood Enforcement Officer) for item 9.

1. ELECTION OF CHAIR FOR 2019-20

RESOLVED – that Councillor Ruth Pickersgill be elected Chair for Sub-Committee A for 2019-20.

2. ELECTION OF VICE CHAIR FOR 2019-20

RESOLVED – that Councillor Estella Tincknell be elected Vice-Chair for the Sub-Committee A for 2019-20.

3. WELCOME AND SAFETY INFORMATION

The Chair drew attention to the safety information.

4. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Tom Brook and Steve Jones

5. DECLARATION OF INTEREST

Councillor Ruth Pickersgill declared that, in relation to item 12, she knew some members of the Appellant's family but that this would not influence her consideration of the application.

6. PUBLIC FORUM

There were no public forum statements.

7. 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.

8. 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.

9. CONSIDERATION OF THE ABILITY OF A LICENSED HACKNEY CARRIAGE DRIVER TO BE CONSIDERED A FIT AND PROPER PERSON TO HOLD A LICENCE FOLLOWING ON FROM AN INVESTIGATION BY THE NEIGHBOURHOOD ENFORCEMENT TEAM SS (AGENDA ITEM 9)

The Policy Advisor informed Members that there was an additional witness, but a statement had not been taken and consideration needed to be given as to whether it would be appropriate to hear the evidence of the witness as the applicant and representative had not had time to consider this in advance of the Committee.

The Applicant's representative and Neighbourhood Enforcement Officer were called to give their views on whether the hearing should go ahead in light of this information.

The Applicant's representative expressed concern about hearing evidence that he and the Applicant had not had time to consider but also raised concern that there was a cost implication associated with a delay and he would be writing to the Licensing Office about his fee as he considered the delay could have been avoided.

The Neighbourhood Enforcement Officer confirmed that it was not usual practice to take a witness statement from more than one witness. She stated that if it was required, this could be arranged and the meeting adjourned to a later date. She expressed concern about a further delay as the alleged incident had taken place four months ago.

The Committee agreed that it would be in the interests of justice to adjourn the item to allow all evidence to be available.



RESOLVED – that a decision be adjourned to the PSP Sub Committee A on Tuesday 2nd July 2019 to allow all evidence to be considered in the interests of justice.

10. CONSIDERATION OF AN APPLICATION FOR THE GRANT OF A PRIVATE HIRE VEHICLE LICENCE SEEKING EXEMPTION FROM COUNCIL POLICY DR (AGENDA ITEM 10)

The Applicant was not in attendance.

Members required clarification from the Applicant on a number of issues and agreed that a decision be deferred to allow the applicant to be present.

RESOLVED – that a decision be deferred until the PSP Sub Committee B on 9 July 2019 to allow the Applicant to be present.

11. APPLICATION FOR THE GRANT OF A PRIVATE HIRE DRIVER LICENCE SEEKING DEPARTURE FROM COUNCIL POLICY MS (AGENDA ITEM 11)

The Applicant was in attendance.

The Licensing Officer outlined the background to the application as follows:

- This was an application for the grant of a private hire driver licence seeking departure from Council Policy;
- The Applicant required exemption from taking the Knowledge Test as he only carried out chauffeuring work;
- All Applicants were required to take the Knowledge Test and a 75% pass mark was required for Private Hire Drivers;
- The primary consideration was to determine whether the Applicant was a “fit and proper person”
- Officers recommended that the application be refused in line with Council Policy but if the Committee were minded to grant the application, the Applicant would be required to:
 - Undertake the Gold Standard training;
 - Undertake an Immigration Right to Licence check;
 - Obtain a DVLA Mandate;
 - Obtain an enhanced Disclosure and Barring Service Check.

The Applicant presented his case as follows:

- He had been working for a chauffeuring firm for a year undertaking work for corporate clients such as TV production companies;
- With the exception of work for Motion Club, most of the work was outside Bristol;
- He would not require the information gained from undertaking the Knowledge Test in his job;
- He circulated his job sheets from the last year to demonstrate that most of his work was away from Bristol;



- The firm had 5 cars and 3 were Bristol plated and he wasn't able to use the Bristol plated cars without a Bristol City Council licence.

In response to questioning, the Applicant:

- Estimated that with the exception of the work for Motion Club, 70-75% of the work was outside of Bristol;
- Confirmed that he had knowledge of hotels in Bristol as most of his work in the city was transporting clients from Bristol Airport to and from Bristol hotels;
- Stated that he was reluctant to learn the information about pubs and streets in Bristol required for the Knowledge Test as he would not use this information in his job;
- Confirmed that the vehicles used were executive cars;
- Produced evidence of his training for the consideration of the Committee.

At this point in the meeting the Applicant and Licensing Officer withdrew from the meeting while the Committee considered the application. They returned to the meeting to hear the decision.

RESOLVED - the Committee were satisfied that the Applicant could be treated as an exception to Council policy and be granted a licence without undertaking the Knowledge Test subject to:

- (1) an additional condition being attached to the licence to ensure he only engaged in "executive/chauffeur" work in an executive vehicle as defined by Council policy.

Section 51(2) of the Local Government Local Government (Miscellaneous Provisions) Act 1976 states that a district council may attach to the grant of a licence under this section such conditions as they may consider reasonably necessary;

- (2) the Applicant undertaking/obtaining the following:
 - a. the Gold Standard training;
 - b. an Immigration Right to Licence check;
 - c. a DVLA Mandate;
 - d. an enhanced Disclosure and Barring Service Check.

12. APPLICATION FOR THE GRANT OF A PRIVATE HIRE VEHICLE LICENCE SEEKING EXEMPTION FROM COUNCIL POLICY AHM (AGENDA ITEM 12)

The Applicant was in attendance.

The Licensing Officer outlined the background to the application as follows:

- The application was for the grant of a private hire vehicle licence seeking exemption from Council policy that stated vehicles presented for licensing on the first occasion should be petrol, petrol hybrid or an Ultra-Low Emission Vehicle;



- The vehicle was a diesel non-executive car, and as such did not comply with the Council policy which had been approved since the vehicle was originally licensed in 2016;
- If the Applicant had renewed within 3 months of his previous licence expiring in May 2018, he would have been granted a licence in accordance with Council policy, but he had been unable to renew at that time as his vehicle had been involved in an accident;
- As his Licence had expired a year ago, the application had to be treated as new rather than a renewal;
- Officers were recommending that the application be refused in line with Council policy.

The Applicant outlined his case as follows:

- He had been working as a taxi driver for 25 years;
- He had bought the car in 2016 and his initial application for a licence had been refused due to the car being fitted with tinted glass in the rear and he had replaced the windows at a cost of £1,000 so that he could continue to work;
- The vehicle was involved in an accident in 2017 which meant that it was not suitable for use as a taxi until he could afford the repairs including a replacement door;
- The vehicle had now been repaired and had passed his MOT;
- He was unaware of the changes to Council policy in relation to diesel vehicles.

In response to questioning, the Applicant confirmed:

- He had not been working since the accident as he was supporting his wife who had been ill with cancer and his mother in law who had suffered a stroke;
- He had been using the vehicle for private use and was insured accordingly;
- He was not able to sell the car as it was purchased on finance and he had only paid half of the payments;
- He had a problem with his insurance company going into liquidation and cancelling his insurance which meant that he was not covered at the time of the accident, although a new policy had been organised by his broker;
- He had been advised by friends to pursue the insurance company for taking his payments and cancelling his policy without his knowledge, but he had not taken it further due to family circumstances and he wanted to put the matter behind him;
- He had contacted the police at the time of the accident, but they were not interested as no one had been hurt;
- The accident had involved a van driving into the side of his vehicle whilst trying to cut across lanes at a roundabout;
- He had brought evidence of his new insurance policy.



At this point in the meeting the Licensing Officer and Applicant withdrew from the meeting while the Committee considered the application. Everyone returned to the meeting to hear the decision.

RESOLVED – that taking into account mitigating circumstances relating to the Applicant’s family circumstances and difficulties arising from his accident and his insurance company going into liquidation which prevented him renewing his licence earlier, the application for an exemption to Council Policy in respect of the private hire vehicle licence be granted subject to:

- The Applicant producing the licence fee, a valid certificate of insurance and the vehicle being inspected by Fleet Services.

The applicant was advised that if he delayed renewing the licence for more than three months again it was unlikely that the application would be granted again and was further advised to be careful in the future to ensure that his vehicle was properly insured in the interests of public safety.

The meeting ended at 2.02 pm

CHAIR

