

Bristol City Council

Minutes of the Public Safety and Protection

Sub-Committee A (Remote/Virtual)

7th July 2020 at 10.00 am



Members Present:- Councillors Tom Brook, Steve Jones, Ruth Pickersgill (Chair), Estella Tincknell, Lucy Whittle.

Also in attendance:- Shreena Parmar (Legal Advisor), Sarah Flower (Senior Licensing Officer – Policy Advisor), Abigail Holman (Senior Licensing Officer - Presenting Officer), Norman Cornthwaite (Democratic Services).

1. Welcome and Safety Information

The Chair explained the legal framework to the Meeting and how it would proceed.

2. Apologies for Absence

None were received.

3. Declaration of Interest

There were no declarations of interest.

4. Minutes of the Previous Meeting

Resolved – that the Minutes be agreed as a correct record of the Meeting for signature by the Chair.

5. Public Forum

There were no public forum statements.

6. 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.

7. 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.

8. Application for the Grant of a Private Hire Driver's Licence: RK (Agenda Item No.8)

The Senior Licensing Officer advised Members that RK had requested an adjournment of his case until a later date to enable him to seek legal representation.

Decision

Following consideration of his request the Committee

Resolved – (voting 5 for, 0 against) that consideration of the application by RK be deferred until a future Meeting of the Committee.

9. Application for the Grant of a Private Hire Vehicle Licence Seeking Exemption from Council Policy: KU (Agenda Item No. 9)

KU was in attendance.

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

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

KU put his case and answered questions highlighting the following:

- His driver's licence and vehicle licence were both revoked by the Committee on 9th July 2019
- The Committee granted him a driver's licence on 18th February 2020
- The vehicle passed the inspection check on 24th April 2020
- He was surprised and disappointed that the application for the vehicle licence was refused as he thought it would be granted following the grant of his driver's licence; he thought it was a harsh decision, especially as the vehicle is very well maintained
- He did not understand why he was not granted a licence for the vehicle following the restoration of his driver's licence, as he had expected to be able to use it as a taxi until 2023 , when it would be 10 years old and no longer eligible to be used as a taxi
- Covid 19 has caused him a lot of financial difficulties

- He is a carer for his mother and driving a taxi enables him to work around his caring responsibilities
- He has advanced driver skills and he is a fit and proper person
- He used to do a lot of executive work but now does more taxi work
- He requested that the Committee grant his vehicle licence

The Senior Licensing Officer and applicant left the Meeting whilst the Committee made its decision.

Decision

The Legal Advisor provided legal advice to the Committee.

The Committee noted all of the written evidence put before it.

Members noted that KU had become confused in relation to his driver's licence and the vehicle licence. He had misunderstood the situation and made an assumption that as he had been granted a driver's licence by the Committee on 18th February 2020, his vehicle licence would be restored following the vehicle inspection check on 24th April 2020. It was noted that the vehicle had been well maintained.

Members were sympathetic to his situation but noted that they had to balance the issue of poor air quality caused by the emissions from diesel engines and the particular circumstances that KU finds himself in. They were also mindful that they did not want to create a precedent by setting aside their Policy.

Following a lengthy debate they decided that they would set aside their Policy in this instance and grant the vehicle licence application made by KU. They emphasised that it did not set a precedent and was a one off decision. The decision relates to the exceptional circumstances that KU finds himself in as a result of his driver's licence application being granted but his vehicle licence application being refused.

Everyone returned to hear the decision.

Resolved – (voting 5 for, 0 against) that the application by KU for a Private Hire Vehicle Licence be granted.

10. Application for the Renewal of a Private Hire Driver's Licence: AE (Agenda Item No. 10)

AE was in attendance accompanied by a colleague.

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

AE's colleague stated he was there to assist AE and interpret for him if he required it.

It was noted that should AE require an Interpreter the Hearing would have to be adjourned to a later date to enable BCC to secure the services of an Independent Interpreter.

In response to a question from the Chair, AE stated that his English was good enough to enable him to understand everything that was being said at the Hearing.

It was therefore agreed that the Hearing could proceed with the proviso that should it become apparent that AE's English is not good enough, the Hearing would be adjourned.

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

AE put his case and answered questions highlighting the following:

- He hasn't worked since February 2019; he was banned from driving by the Court in March 2019
- He knew one of the people who got into his car; he was not working at the time was shortly leaving the country to go to Sudan
- He pleaded guilty in Court to having no insurance
- He pays his insurance monthly the taxi insurance lapsed on 25th January 2019; he continued to pay for private insurance
- He was not working for Uber on the day in question
- He returned his taxi plates to PC Quinton
- He has been in Bristol for 15 years; his father died in Sudan in 2019 and there had been a lot of family pressures on him

It was noted that a vehicle licensed as a taxi remains a licensed vehicle for the whole of the time it is licensed, whether or not it is being used as a taxi or for private use.

The Senior Licensing Officer, the applicant and colleague left the Meeting whilst the Committee made its decision.

Decision

The Legal Advisor provided legal advice to the Committee.

The Committee noted all of the written evidence put before it.

The Members noted that AE has a conviction for driving whilst uninsured, that he had pleaded guilty and that they could not go behind the conviction. They also noted a concerning pattern of behaviour, that he had made a false statement in breach of his Licence Conditions and that their policy requires a period of 2 years free from conviction prior to an application for a driver's licence being granted.

Taking all of this into account the Members did not consider that they had heard enough evidence from AE to persuade them to set aside their Policy in his case. The application for the renewal of his licence was therefore refused.

Everyone returned to hear the decision.

Resolved – (voting 5 for, 0 against) that the application by AE for the renewal of his Private Hire Vehicle Licence be refused as he has not persuaded the Council that he is a fit and proper person to hold such a licence.

11. Application for the Grant of a Hackney Carriage Driver's Licence: QZ (Agenda Item No. 11)

QZ was in attendance.

The Senior Licensing Officer introduced the report and summarised it for everyone. She stated that as his recent conviction and fine related to dishonesty, he would be expected to remain free from conviction for a period of 3 to 5 years before a licence would be granted. She also noted that as his last licence expired more than 12 months ago, this was therefore treated as new application and he would have to complete the Gold Standard and pass the Knowledge Test.

QZ put his case and answered questions highlighting the following:

- He was willing to take the Gold Standard
- He did not consider the recent conviction to relate to dishonesty, but a mistake and an oversight in not providing the required documentation, which he has admitted
- He is a very honest person who has never overcharged anyone or committed any other offences whilst driving a taxi
- The case relates to when he was helping his brother and the Council wanted to know who owns a particular property; the matter is now in the hands of a solicitor
- The 1988 Offences were not declared as they have always been on his CRB; he did not intend to deceive Licensing
- He is seeking an exemption from taking the Knowledge Test as he has been a taxi driver for 20 years

- He would like to become a taxi driver before taking the Gold Standard

The Senior Licensing Officer and the applicant left the Meeting whilst the Committee made its decision.

Decision

The Legal Advisor provided legal advice to the Committee. The offences relating to the Selective Licence are criminal convictions for dishonesty, although they are not specifically mentioned in the BCC Policy. Judging by the fine imposed, the Court considered the offences to be very serious. QZ has to convince the Committee that he is fit and proper person to hold a Hackney Carriage Driver's Licence.

The Committee noted all of the written evidence put before it.

Whilst the Members had concerns about the recent convictions, they did not consider that these offences preclude him from being judged a fit and proper person to hold a Hackney Carriage Driver's Licence. They also noted that he has been a taxi driver for 20 years and had admitted the offences.

The Committee therefore decided to grant the application for the licence. The Committee also decided that QZ should take the Knowledge Test and Gold Standard as he had not persuaded the Members that they should make an exemption in his case.

It was noted that due to the Covid 19 it was not possible to do either the Gold Standard or the Knowledge Test at present.

The Members therefore decided that QZ should be granted a licence for one year with the proviso that he is required to complete the Gold Standard and pass the Knowledge Test within that year.

Everyone returned to hear the decision.

Resolved – (voting 5 for, 0 against) that the application by QZ for the grant of a Hackney Carriage Driver's Licence be granted for a period of one year and during that year QZ is required to complete the Gold Standard and pass the Knowledge Test.

The meeting ended at 2.45 pm.

Chair