

Bristol City Council

Minutes of the Public Safety and Protection Sub-Committee B



27 July 2021 at 12.30pm

Members Present:-

Councillors: Jonathan Hucker, Barry Parsons and Guy Poultney (Chair)

Officers in Attendance:-

Shreena Parmar (Legal Advisor), Carl Knights (Licensing Policy Advisor), Corrina Haskins (Democratic Services Officer) Abigail Holman (Licensing Team Leader)

1. Welcome and Safety Information

The Clerk welcomed everyone to the meeting and drew attention to the safety information.

2. Apologies for Absence

Apologies for absence were received from Councillor Katja Hornchen.

3. Declarations of Interest

None received.

4. Minutes of the Previous Meeting

RESOLVED the minutes of the previous meeting on 8 June 2021 be agreed as a correct record.

5. Public Forum

None received.



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.

6. 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.

7. APPLICATION FOR THE RENEWAL OF A PRIVATE HIRE DRIVER LICENCE SEEKING DEPARTURE FROM BRISTOL CITY COUNCIL POLICY (MF)

The applicant was present.

The Licensing Officer introduced the report and drew attention to the following:

- The applicant applied for a renewal to his licence on 7 June and the licence expired on 22 June.
- Due to the applicant's medical history, he was required to take an exercise test on renewal of his licence.
- The applicant had also had a suspected angina attack in November 2020 which had not been declared to the Licensing Authority.
- In order to be satisfied that the applicant met the DVLA Group 2 criteria, the following information was required:
 - (1) Results of a new exercise test with evaluation by a registered medical professional to confirm the applicant met the Group 2 entitlement.
 - (2) Confirmation that the applicant was in the Low Risk or Intermediate Risk group with regard to Sudden Cardiac Death (SCD) risk in hypertrophic cardiomyopathy (HCM).
- The applicant had not been able to book a test until 9 September and officers were recommending that the application be refused until the requirements could be met.

The applicant gave the following evidence:

- The incident in November 2020 was not an angina attack but symptoms of his pre-existing condition and this was confirmed by the results of the angiogram. Therefore, he had not reported the incident to the Licensing Authority as there had not been a change in his condition.
- He was unaware that he had to undertake an exercise test on renewing his licence and if so, he would have organised the test earlier as there was often a waiting list of up to one year.
- He had not been able to work since his Licence expired on 22 June and asked if he could have a temporary Licence pending the results of his test.



After questioning from the committee, the following information was confirmed:

- Even if the incident on November 2020 was caused by the applicant's pre-existing medical condition, the application would still have been brought to the committee due to the need for an exercise test and confirmation that the applicant was at low or intermediate risk of SCD in HCM.
- The DVLA would not accept the results of the angiogram in place of an exercise test being carried out.
- The cardiologist at The Spire could not carry out the exercise test as they did not have access to the applicant's medical records, and he was advised to book through his GP.

Members noted that there was a long waiting test for exercise tests and asked if this could be communicated to the trade to enable them to book in advance of the expiration date of their licence.

RESOLVED:

- (1) that a decision on the application be deferred pending the receipt of information to confirm:
 - (i) Results of a new exercise test with evaluation by a registered medical professional to confirm the applicant met the Group 2 entitlement.
 - (ii) Confirmation that the applicant was in the Low Risk or Intermediate Risk group with regard to Sudden Cardiac Death (SCD) risk in hypertrophic cardiomyopathy (HCM).
- (2) On receipt of the required information, the decision to determine the licence be delegated to officers.
- (3) No action be taken in relation to the lack of declaration relating to the medical incident in November 2020 as the applicant had confirmed this was a result of a pre-existing condition.

8. APPLICATION FOR THE RENEWAL OF A HACKNEY CARRIAGE VEHICLE LICENCE SEEKING DEPARTURE FROM BRISTOL CITY COUNCIL POLICY (MH)

The applicant and his representative were present.

The Licensing Officer introduced the report and drew attention to the following:

- The application was for the renewal of a Hackney Carriage Vehicle Licence.
- The vehicle was 10 years old on 14 October 2020 and the applicant had requested an extension at this time for an additional six months as a result of the Covid-19 pandemic.
- A six-month extension was approved by the Licensing and Trading Standards Manager and a further licence was issued which expired on 13 July 2021.
- In accordance with policy, the vehicle should not be licensed more than 10 years after it had first been registered.
- The vehicle was fitted with a euro 5 engine.

The applicant gave the following evidence:

- He had not been able to work during the pandemic and had only just returned to work, he was requesting a six-month extension to allow him time to find another vehicle.
- He was in financial difficulty and had a young family to support and a new car would cost in the region of £40k.



The applicant's representative gave the following supporting evidence:

- After 2015, Council policy had changed to allow vehicles up to 12 years and those drivers with vehicles registered before that time had been disadvantaged, particularly as the vehicles were unable to be used during the pandemic.
- Some other Licensing authorities had allowed an increase to 12 years due to the pandemic.
- Only 75 out of the vehicles used by the fleet were euro 5.
- The fleet was able to pick up wheelchairs and not all fleets could perform this service.

After questioning from the committee, the following information was confirmed:

- There had been a change in Council Policy to help improve air quality in the city and vehicles after this date were fitted with euro 6 engines which released less emissions than the euro 5 engines used before that date and therefore could be re-licensed up to 12 years rather than 10.

RESOLVED – That the application to renew the Hackney Carriage Vehicle Licence seeking departure from Council Policy be REFUSED on the grounds contained in in section 60(1)(a) and 60(1)(c) of the Local Government (Miscellaneous Provisions) Act 1976 namely that the vehicle is unfit for use as a private hire vehicle and any other reasonable cause.

REASON:

The vehicle subject to the application does not conform to Council Policy due to its age, having now reached over 10 years old since first registration.

The Committee considered the Policy and the reasons for an age limit being imposed. The applicant had already benefitted from a modest extension of the licence and the Committee had received no evidence from the applicant to satisfy them that the vehicle should be treated as an exception to Council policy without undermining it or the reasons that underlie it.

Another factor the Committee considered was that in December 2020 the vehicle had 235,000 miles on the odometer, which was 15,000 miles more than in December 2019. Although the Committee had some sympathy for the Applicant, the personal/financial circumstances of the applicant are not a relevant consideration in arriving at this decision.

9. APPLICATION FOR THE RENEWAL OF A PRIVATE HIRE VEHICLE LICENCE SEEKING DEPARTURE FROM BRISTOL CITY COUNCIL POLICY (KA)

The applicant was present.

The Licensing Officer introduced the report and drew attention to the following

- The application was for the renewal of a Private Hire Vehicle Licence.
- The vehicle was 10 years of age on 7 April 2021. The previous licence should have expired on 7 April 2021 however was issued in error to expire on 1 July 2021.
- In accordance with Council policy, the vehicle should not be licensed more than 10 years after it had first been registered.



- The vehicle was fitted with a diesel engine and Council policy required new vehicles to be petrol, petrol hybrid or ULEV.

The applicant gave the following evidence:

- He had requested an extension to the licence for 6 months – 1 year as he could not afford a new car at the current time.
- If the licence was extended for 6 months, this would tie in with the MOT expiring.

RESOLVED – that the application to renew the Private Hire Vehicle Licence seeking a departure from Council Policy be REFUSED on the grounds contained in section 60(1)(a) and 60(1)(c) of the Local Government (Miscellaneous Provisions) Act 1976 namely that the vehicle is unfit for use as a private hire vehicle and any other reasonable cause. Nor were the Council satisfied that the vehicle is suitable in type, size and design for use as a private hire vehicle in accordance with section 48 of the Act

REASON

The vehicle in question no longer conforms to Council policy in two respects due to its age, having now reached over 10 years old since first registration, and that it is fitted with a diesel engine. The Committee considered the Policy and the reasons for an age limit and engine type being imposed. The Committee heard from the applicant but did not consider that there were any exceptional circumstances to satisfy them that the vehicle should be treated as an exception to Council policy without undermining it or the reasons that underlie it such that a further extension to the licence could be justified. The Committee could not take into account the personal and financial circumstances of the applicant in making this decision.

Meeting ended at 3.00pm

CHAIR _____

