

Bristol City Council

Minutes of the Public Safety and Protection Sub-Committee B



19 July 2022 at 1.30 pm

Members Present:-

Councillors: Christine Townsend (Chair) and Jonathan Hucker

Officers in Attendance:-

Carl Knights (Licensing Policy Advisor), Shreena Parmar (Legal Advisor), Dakota Ferrara, Alison Wright and Oliver Harrison

1. Welcome and Safety Information

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

2. Apologies for Absence

Apologies were received from Cllr Barry Parsons.

3. Declarations of Interest

None received.

4. Minutes of the Previous Meeting held on 17th May 2022

RESOLVED the minutes of the previous meeting 17 May were agreed as a correct record.

5. Public Forum

None received.

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



RESOLVED – that Committee procedure rules CMR10 and CMR11 be suspended relating to the moving of motions and rules of debate.

7. Exclusion of the Press and Public

RESOLVED – that that the press and public be excluded from the following items of business to allow consideration of items containing exempt information under Paragraph 1 of Part 1 of Schedule 12(A) of the Local Government Act 1972.

8. In Principle Decision for the Grant of a Private Hire Vehicle Licence Seeking Departure from Bristol City Council Policy - NY

The driver was present.

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

- This is not a licence application but a request for the committee to make an ‘in principle’ decision.
- NY has an 8-seater vehicle which is 10 years old next year. He wants to purchase another 8-seater vehicle which will have a diesel engine (Euro 6) as there is no comparative petrol model for this. An electric model has a range of around 220 miles, which is not a viable alternative for NY’s work, which is mainly runs to Bristol and other airports.
- The Council’s Hackney Carriage and Private Hire Licensing Policy states that Vehicles presented for licensing on the first occasion shall be petrol, petrol hybrid or an Ultra-Low Emission Vehicle (ULEV, excluding diesel ULEV vehicles)
- Exceptions to the requirement that vehicles will be petrol may be granted by the Licensing Manager in respect of executive vehicles (including 8 seaters executive vehicles) as a result of these vehicles often only being available with diesel engines, however no such exemption applies for non-executive 8-seater vehicles
- NY argues that this vehicle is essential to carry out his work.

The following points arose from questioning:

- There are Euro 6 compliant diesel vehicles operating in the Bristol area as they can be licenced as a renewal application, but not a new application.
- NY would like to purchase the vehicle as soon as possible as this is peak time for his usual airport work. He transports people considerable distances to Bristol Airport, so an electric vehicle is unsuitable.
- Executive private hire vehicles are typically expensive and high spec. They are frequently diesel vehicles and are used for chauffeur work. However, NY does not perform chauffeur work.
- A lack of petrol 8-seater vehicles, especially for airport journeys, could result in two regular vehicles doing the same journey which could have a greater environmental impact.
- The proposed vehicle would be Clean Air Zone compliant.



Decision:

The Sub-Committee considered this request in principle to licence an 8-seater Private Hire Vehicle, a Mercedes Benz Vito, fitted with a diesel engine. The Sub-Committee decided to depart from its policy on this occasion due to 8-seater vehicles not being readily available with a petrol engine, and an electric vehicle of this size not being suitable for the type of work it is to be used for (i.e. predominantly airport work).

The Sub-Committee does not have an application to consider, and NY has not yet purchased a vehicle, however in principle agrees to depart from policy if NY later applies for a Private Hire Vehicle provided that it is less than 3.5 years old at the time of application, is Bristol Clean Air Zone compliant (i.e. not subject to daily charges) and Euro 6 compliant as well as complying with all other aspects of the private hire vehicle specification in the Council's Hackney Carriage and Private Hire Licensing Policy (which NY should carefully read to ensure that he knows what needs to be complied with).

The Sub-Committee delegates the matter to the Licensing Team to consider an application from NY unless there is reason for it to come back before the Sub-Committee. Note that this decision is not a grant of a licence and if there are any other matters to be considered, a different decision may be reached. Personal circumstances, including financial circumstances are not a relevant consideration when deciding this matter.

9. Report to Determine Whether Action Should Be Taken Against the Holder of both a Hackney Carriage Driver and Private Hire Driver Licence- PA

The driver and his representative were present. PC Quinton was present.

The Neighbourhood Enforcement Officer introduced the report and summarised it for everyone. At the time of the report being written PA had twelve points on his DVLA licence but was not disqualified. The Sub-Committee was informed that PA has since disqualified from driving for two months.

The applicant's representative made the following points:

- PA has admitted that his knowledge of the licensing policy is weak, and that he has fallen below the standards and he has taken steps to improve this recently. He is very apologetic and will report to the licencing authority immediately in future. This omission was due to ignorance not dishonesty.
- He has been licensed for 17 years and has only 2 complaints about conduct during this time. PA has never been involved in a car accident and has committed no crimes of dishonesty or violence.
- PA has very difficult personal circumstances. He has considerable outgoings to cover and is the main earner for the family. He has already served a 3-month suspension for the tyre incident.
- The representative asked the committee to be proportionate and suspend the taxi licences in line with the DVLA driving licence.



The following points arose from questioning:

- The 5 July offence was not reported to the licensing authority. PA was last relicensed on 16 July. The officer recommendation is to suspend or revoke the licences.
- PA's understanding was that he only needs to declare offences on the renewal form, he did not understand he should notify the authority immediately.
- PA's DVLA driving licence has been revoked for 2 months and will be reinstated in September. PA can apply for a PHD and HCD licences as soon as he holds a valid DVLA driving licence, but the matter will be referred to the committee due to PA's history.
- PC Quinton stated that PA has been very polite and respectful throughout all his offences and has no other criminal behaviour on record.
- A 6-month disqualification is the usual sanction for totting up of penalty points. PA only received a 2-month ban due to mitigating circumstances of exceptional hardship.

Decision:

To revoke PA's Private Hire Driver licence and Hackney Carriage Driver licence in accordance with section 61 (1)(b) of the Local Government (Miscellaneous Provisions) Act 1976, namely, any other reasonable cause, as the Sub-Committee is no longer satisfied that he is a fit and proper person to hold a licence.

Reasons:

In reaching this decision, the Sub-Committee considered there to be a pattern and frequency of motoring convictions which falls short of the standard expected of licenced drivers. The Sub-Committee considered and applied its own policy on motoring convictions.

The Sub-Committee heard that PA had been convicted of five motoring offences in a 2-year period and had 12 points on his licence, and earlier this month was disqualified from driving for 2 months. Furthermore, PA failed to declare some of the driving convictions as required by the conditions on his licence and heard that he did not realise that he was required to do so other than on renewal. However, the Sub-Committee considers that he should have known what is required on his licences especially as he has been licenced since 2004. The Sub-Committee heard that PA went on a speed education course in February 2020 however, since then he has received four further speeding endorsements.

The Sub-Committee heard that PA was polite, co-operative and remorseful, however, the overriding consideration it has is the safety and protection of the public. In considering whether he is a fit and proper person, the council should ensure so far as possible *that those licenced to drive hackney carriage and private hire vehicles are suitable persons to do so, that they are safe drivers with good driving records and adequate experience*. The Sub-Committee, having considered PA's record, is not satisfied that he is a fit and proper person to hold such licences. Personal circumstances, including financial circumstances, are not a relevant consideration when reaching this decision.

10 Date of Next Meeting

The date of the next Public Safety and Protection Sub-Committee B meeting is on 20 September 2022.



Meeting ended at 3.00 pm

CHAIR _____

