

Bristol City Council
Minutes of the Public Safety and Protection Sub-Committee A



16 August 2022 at 10.00 am

Members Present:-

Councillors: Richard Eddy (chairing the meeting), Marley Bennett and Chris Davies

Officers in Attendance:-

Lynne Harvey (Legal Adviser) , Carl Knights (Licensing Policy Advisor) and Jeremy Livitt (Democratic Services – clerk for the meeting)

Also Attending:

For Agenda Item 8 - Wayne Jones (Neighbourhood Enforcement Team) and PC Patrick Quinton (Taxi Compliance Officer)

For Agenda Items 9 and 10 – Dakota Ferrara (Senior Licensing Officer)

13 Election of Chair

In the absence of Councillor Amal Ali, Councillor Richard Eddy was elected to chair the meeting.

14 Welcome and Safety Information

Councillor Richard Eddy welcomed all parties to the meeting and explained arrangements in the event that there was an emergency evacuation procedure.

15 Apologies for Absence

Apologies for absence were received from Councillors Amal Ali and Tessa Fitzjohn.

16 Declarations of Interest

There were no Declarations of Interest.



17 Minutes of the Previous Meeting held on 21st June 2022

RESOLVED – that the minutes held on 21st June 2022 be confirmed as a correct record and signed.

18 Public Forum

There were no Public Forum items.

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

RESOLVED – that CMR10 and CMR11 be suspended.

20 Exclusion of 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.

21 OMM - Report To Consider Any Action To Be Taken In Regard To Both Current Private Hire Driver and Vehicle Licences

Wayne Jones introduced this report of an application by OMM to renew a Private Hire Driver Licence.

He explained the following:

- OMM was granted a Private Hire Driver’s licence on 24 August 2020, and his current licence is due to expire on 23 August 2022. He referred to the supplementary report which indicated that OMM had recently submitted an application to renew the licence.
- OMM also holds a Private Hire Vehicle licence since 11 September 2020, and this licence is due to expire on 27 November 2022.
- On 16th June 2022, an email was received at the Neighbourhood Enforcement Team (NET) by the Taxi Compliance Officer, PC Quinton, raising concerns about the “Fit and Proper” status of OM to hold a Private Hire Driver and Vehicle Licences. PC Quinton informed the NET of several motoring issues regarding the licensed vehicle for which OMM is the proprietor

Patrick Quinton addressed the meeting and pointed out that there had been a series of speeding offences carried out either by OMM or by AR who had been nominated by him to drive the car on his behalf. He explained that the driver had failed to provide appropriate identification when required to do so and may have conspired to pervert the course of justice.



The Sub-Committee noted that once an individual was granted a licence, they were responsible for it.

In addressing the meeting, OMM explained that COVID had badly affected his financial situation since taxiing was his livelihood. Since he knew AR, he had rented his car to him to enable him to support his family. Unfortunately, AR had now stopped contact with OMM. OMM had also requested a freeze on some of his car payments. He had never committed a crime before and needed to feed his family. He requested that the Sub-Committee show leniency for his situation.

Councillor Richard Eddy reminded OMM that the primary purpose of this Sub-Committee is to protect and prevent harm to the public and was unable to take into account economic circumstances. Whilst it was appreciated that the COVID era has been stressful to the taxi sector, this was the same for other areas and not a unique pressure.

In responding to questions from the Sub-Committee and Licensing Policy Adviser, OMM confirmed the following:

- OMM was driving for the offence committed in April 2022
- OMM had continued to rent his vehicle to AR despite AR having been convicted of failing to provide documents for an offence in July 2021
- OMM could not remember whether or not he was driving the vehicle for offences on 1st June 2021, 13th June 2021 and 12th July 2021. However, it was noted that it was likely he was since Uber identification was usually required before he would be able to use the vehicle
- OMM acknowledged that it was wrong to rent his vehicle to an unlicensed driver but needed to pay bills to support his family

Councillor Eddy then requested that all parties withdraw to enable the Sub-Committee to make its deliberations on this issue.

Upon their return, he confirmed the Sub-Committee's decision as set out below:

RESOLVED – Decision:

1. **That in accordance with section 61(1)(b) of the Local Government (Miscellaneous Provisions) Act 1976 (“the Act”) there is reasonable cause to revoke and refuse to renew the private hire driver’s licence of OMM because the Council could no longer be satisfied that he was a fit and proper person to hold such a licence AND that in accordance with section 61(2B) of the Act the interests of public safety require that the revocation have immediate effect**
2. **That in accordance with section 60(1)(c) of the Act there is reasonable cause to revoke the private hire vehicle licence held by OMM**

The Committee noted that OMM had recently been convicted in Bath Magistrates’ Court of the offences of speeding on 23.04.22 and of failing to provide information as to the identity of the driver concerning another speeding offence on 03.01.22. The case had been adjourned until September 2022 as the Court is considering disqualifying OMM.

The Committee also noted that OMM was still under investigation for a potential offence of



perverting the course of justice concerning alleged false information he provided on the notices of intended prosecution. The primary function of the Committee is a regulatory one where the main focus is public safety and protection and not to try to second guess the outcome of the pending criminal investigation. However, having listened to OMM's explanation regarding the individual he named as the driver of the vehicle on three occasions, the Committee did not consider this to be credible. Therefore, on a balance of probabilities the Members believed that OMM had acted dishonestly by giving the incorrect details, that he was the driver of the vehicle and had been speeding on all three occasions. Even if OMM's explanation was the truth, at the very least, he had allowed an unlicensed driver to use his private hire vehicle which placed the public at risk as his insurance would not have covered this particular use of the vehicle.

As far as dishonesty is concerned the policy starting point is that a period of at least seven years should elapse following conviction since the completion of any sentence imposed. In this case offending behaviour/dishonesty had been proved to the satisfaction of the Council and reference to conviction should be construed accordingly.

The motoring convictions and offending behaviour proved to the satisfaction of the Council concerning the multiple speeding offences indicated that OMM did not exhibit the behaviours of a safe road user and one that is suitable to drive professionally.

The Committee also considered the recent complaint from a member of the public concerning the use of Nitrous Oxide (NOS) and littering by the driver which OMM had denied. Although this complaint had not been proceeded with the National Standards state:

“Patterns of behaviour such as complaints against drivers, even when they do not result in further action in response to an individual complaint, may be indicative of characteristics that raise doubts over the suitability to hold a licence. All licensing authorities should have a robust system for recording complaints, including analysing trends across all licensees as well as complaints against individual licensees. Such a system will help authorities to build a fuller picture of the potential risks an individual may pose and may tip the ‘balance of probabilities’ assessment that licensing authorities must take.”

The overall picture presented by OMM was a licensee whose standards had fallen well below the high standards the Council is entitled to expect from those whom it licences.

There had been multiple offences over a period of time which gave rise to a greater cause for concern and demonstrated a pattern of inappropriate behaviour.

Consequently, the Committee could no longer be satisfied that OMM was a fit and proper person to hold a private hire driver's licence. Given he was the sole proprietor and person licensed to drive his Private hire vehicle, the vehicle licence would also be revoked. The Committee considered that due to the gravity and number of concerns regarding OMM the interests of public safety required the revocation of the driver's licence to have immediate effect.

22 DLTD - Application for the Grant of a Private Hire Driver Licence

Dakota Ferrara introduced this report and made the following points:

- DLTD applied for the grant of a Private Hire Driver (PHD) Licence on 9 May 2022. He had previously held a



PHD licence from 2006 to 2010 which wasn't renewed at the time due to offences, which are now outside the scope of our Policy.

- DLTD has requested an exemption from the Council's private hire knowledge test and gold standard training course

The Sub-Committee was advised by the Licensing Policy Adviser that

- The Gold Standard could not yet be undertaken as the previous provider of the course was no longer arranging it. It was likely that this course would be replaced in future by a 1 day disability awareness course
- If the Sub-Committee was minded to grant the application, it was recommended that there should also be a condition that the licence holder should complete any replacement course within 1 year of the course being introduced
- The Sub-Committee would also need to consider the issue of the knowledge course which had been temporarily unavailable to be booked recently but was now available again
- It would also be essential for DLTD to pass a safeguarding course as was required for all Private Hire Driver Licence holders

DLTD made the following points to the Sub-Committee:

- He had lost his driving licence years ago due to some bad behaviour in the past
- Since 2011 he had a driving licence and had worked as a First Bus driver in Hengrove – first full time and then on an agency basis due to the number of hours he was working full time and the impact it had on his family life
- He was now driving buses in Bath which was a much better work/life balance.
- He had 4 small kids. Working as a taxi driver gives me flexibility to provide for my children but also allows my life to work
- He worked for Yellow Cabs in Bedminster for 18 years but had to leave as they asked me to work for them 7 days a week. He had a good knowledge of Bristol from my experience in my previous work.
- He has been advised the knowledge test was not in place when he had previously applied. He wanted to take a local test in Bristol rather than go to South Gloucestershire

The Sub-Committee were advised by the Licensing Policy Adviser that, following the recommencement of the knowledge tests, it was possible there might be a place available as soon as today.

Councillor Richard Eddy asked both parties to withdraw to allow the Sub-Committee to make its deliberations.

Upon their return, he announced the Sub-Committee's decision as follows:

RESOLVED - That DLTD could be treated as an exception to Council policy and be exempted from taking the knowledge test AND that DLTD be granted a private hire driver's licence subject to additional conditions that:



- i. **within a year of a test being introduced to replace the Gold Standard test DLTD will be required to successfully complete it.**
- ii. **within 6 months of the licence being granted DLTD will be required to successfully complete safeguarding training**

Reasons: DLTD had demonstrated to the Committee that he possessed an excellent knowledge of the city and he had a number of years' experience of working in the private hire trade. He had therefore satisfied the Committee that he was a fit and proper person to hold a private hire driver's licence and could be treated as an exception to Council policy.

23 ATA - Application for the Grant of a Private Hire Driver Licence

Dakota Ferrara introduced this report. She stated that ATA has applied for the grant of a Private Hire Driver (PHD) licence on 15 March 2022 and has requested an exemption from the Council's private hire knowledge test.

The Sub-Committee noted that it was a requirement for anyone applying for a PHD licence that they needed to take the knowledge test. It was noted that, after a brief period when it had not been available, the test was now available for booking.

The Licensing Policy adviser explained that the purpose of the knowledge test was to ensure that the applicant could demonstrate knowledge of road signs, pubs, clubs bars and districts of Bristol. There also needed to be an understanding of road laws and of basic maths questions (for when money was exchanged).

ATA made the following points:

- He had worked since he was 16 and was the only means of support for his family
- He currently worked one of the jobs but due to time constraints would have to stop one of the jobs to take the test
- His mother had a problem with one of the bones and as a result, he had to drop out of university and take 2 jobs to support her
- Whilst he was a delivery driver during COVID, they did not give him enough hours and so he had stop doing this. A Private Hire Driver role would also be easier as there were more flexible hours.

The Licensing Policy Adviser confirmed that there had been a new test since COVID. He explained that the current test requires less local knowledge and has a lower pass mark.

Councillor Richard Eddy then requested that both parties withdraw to allow the Sub-Committee to make its deliberations.

Upon their return, he advised them of the decision as follows:



RESOLVED - that ATA had not satisfied the Committee that he should be exempted from taking and passing the knowledge test.

Reasons: The knowledge test is part of the Council's fit and proper person test and there is an expectation that all new applicants for a driver's licence will undertake that test. The Committee considered that there were no exceptional circumstances in ATA's case to justify an exception being made to Council policy without undermining it or the reasons that underlie it. The application to be exempted from the knowledge test was therefore refused.

24 Date of Next Meeting

It was noted that the next meeting is scheduled to be held at 10am on Tuesday 18th October 2022 in a Committee Room, City Hall, College Green, Bristol.

Meeting ended at 12.05pm

CHAIR _____

