

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



18 April 2023 at 11.30 am

Members Present:-

Councillors: Amal Ali (Chair), Marley Bennett, Richard Eddy, Sarah Classick and Heather Mack

Officers in Attendance:-

Wayne Jones (Presenting Officer - Minute Numbers 18 and 19), Carl Knights (Licensing Policy Advisor), Ronald Sempebwa (Legal Adviser) and Jeremy Livitt (Clerk)

Also Attending: PC Patrick Quinton (Agenda Item 18)

11 Welcome and Safety Information

The Chair welcomed all parties to the meeting and confirmed arrangements in the event of the need for emergency evacuation of the building.

12 Apologies for Absence

There were no apologies for absence.

13 Declarations of Interest

There were no Declarations of Interest.

14 Minutes of the Previous Meeting held on Tuesday 28th February 2023

RESOLVED – that the minutes of the above meeting be confirmed as a correct record and signed by the Chair.

15 Public Forum

There were no Public Forum items.



16 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.

17 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.

18 DP - Report to Determine Whether Action Should be Taken Against the Holder of a Hackney Carriage Driver Licence

DP was in attendance for this item, accompanied by a friend. PC Patrick Quinton was also in attendance.

Wayne Jones presented this report and made the following points:

- DP had held a licence since 2011. His existing licence was due to expire on 20th February 2025
- PC Quinton was on duty conducting static road checks on 15th January 2023 at Lewin’s Mead and noted that a Hackney Carriage Vehicle had become illuminated as he approached.
- Since it is a requirement that all journeys requiring payment made by Hackney Carriage Drivers within the Bristol boundaries must be charged by the meter, PC Quinton queried whether or not the meter was being used. DP admitted that he had not used the meter but had agreed a price of £15 with the occupants for a journey from the Harbourside to Southmead
- DP had accepted responsibility for failing to use the meter and it was acknowledged that the fare was not excessive
- It was noted that there were additional complaints on DP’s file with the award of additional points on the licence for two separate incidents in July 2022

PC Quinton made the following points:

- He noted that the price charged was not excessive and that DP had been co-operative and had not attempted to evade what had happened. He was also generally friendly and co-operative in his past dealings with him. However, he was concerned that there had been previous offences involving DP
- However, all journeys in Bristol had to be carried out by meter if they were charged to ensure that if the route changed unexpectedly the meter would reflect this.

DP and his friend made the following points:



- On the day in question, DP had picked up four people from the Harbourside to travel to Southmead and noted as he turned on the meter that one of these was an old acquaintance. Therefore, DP had agreed to charge the fare at a fixed amount of £15 which he knew was not excessive since he made this journey several times a week. Whilst he knew it was wrong to disengage the meter, it was purely done as a favour to this person
- It was not the intention of DP to deceive anyone even though he had not used his meter. Since these incidents, he showed much more care whilst driving
- Other drivers have collected points and not advised the Licensing Office
- In relation to two offences in July 2022 – one was for him driving at 26mph in a 20 mph zone whilst the other was caught by a speed camera on the M32. In neither case was there anyone in the vehicle. In the case of the second offence, he was travelling to give a lift to someone who had terminal cancer and who had subsequently died
- The letter for the second offence had arrived after DP had gone on holiday so he was not aware of it until he had returned. Whilst he had tried to pay it immediately in the Licensing Office, he had been advised that it was not possible to make an immediate appointment and had been required to post it instead. The Licensing team had subsequently stated that they had not received it

The Licensing Policy Adviser confirmed that, whilst there was no legal requirement for the holder of a Hackney Carriage Driver Licence to declare any points on the licence except when it was up for renewal, there were multiple incidents on the licence. This was something that the Sub-Committee could consider when assessing whether or not there was a pattern of behaviour which brought into question whether or not DO was a fit and proper person to hold a licence.

Following deliberations, the Sub-Committee made the following decision:

RESOLVED (unanimously) – that DP is suspended as a Hackney Carriage Driver Licence holder for 3 months as the Sub-Committee considers that previous incidents suggest there is a pattern of behaviour which calls into question whether or not he is a fit and proper person and requires some sanction.

The Sub-Committee noted that the offence in January 2023 did not in itself merit a revocation as this was not carried out with the deliberate intention to deceive but that nevertheless DP should be warned that such behaviour was not permitted as a Hackney Carriage Driver Licence holder.

19 NO - Report to Consider Whether Action Needs To Be Taken With Regard to a Current Private Hire Driver and Vehicle Licence

NO was in attendance for this item together with a friend.

Wayne Jones presented this report and made the following comments:



- NO was granted a Private Hire Driver's licence on 11 March 2016, and his current licence is due to expire on 10 March 2024.
- He is also the proprietor of a Private Hire Vehicle, the current licence of which is due to expire on 29 April 2023
- PC Patrick Quinton had advised the Licensing Team that (a) on 4th December 2021 at A4 Hotwells Road NO may have committed an offence of driving at 38 in a 30mph zone and had been further charged with failing to furnish details of the driver. This case had been adjourned to Bath Magistrates on 2nd September 2022. (b) On 14th January 2022, NO had failed to furnish details of driver and was convicted at Bath Magistrates on 21st June 2022 of 6 DVLA points and paid a fine and costs (c) On 26th March 2018, he had used a motor vehicle without insurance and was convicted at Bath Magistrates on 21st August 2018 of DVLA points with a fine and costs
- A check on NO's licence had revealed the following further convictions (a) Failure to provide identity of a driver – Offence on 14th January 2022, Conviction on 21st June 2022 (b) Exceeding Speed Limit on a 30mph road – Offence on 4th December 2021, Conviction 15th November 2022. It was noted that these two offences were linked to the same incident
- There was a requirement to advise the Licensing Authority the next day following any offence committed. There was no record that any notification had been received

NO and his friend made the following points:

- NO had not received any communication that he had committed any offence. Once he was notified that he had 6 points on his licence for the first offence, he made an appeal to the court following which his points had been reduced to three. He was also appealing the other offence which was still scheduled to go to court
- NO was a family man whose main job had been as a Private Hire Driver since he had obtained his licence. He had worked for his friend who was in attendance at the hearing for five years and had been one of the most reliable drivers during the period of the pandemic
- NO was not a threat to public safety since the incidents had taken place some time ago and there had been no further complaints since then
- NO lived in a shared house and was having trouble with post going missing. Whilst the 2018 offence was an accident, the other two were security camera offences for speeding.
- He had not realised that he had received any points until he was notified through his insurance

Following deliberations, the Sub-Committee made the following decision:

RESOLVED (unanimously) – that NO receives a written warning for his behaviour with no further action but given a strong reminder of the importance of ensuring that it is his responsibility to ensure that he receives all correspondence sent to his address.



The meeting ended at 1.40 pm

CHAIR _____

