

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



**30 May 2023 at 11.00 am**

**Members Present:-**

**Councillors:** Fi Hance (Chair), Jonathan Hucker and Brenda Massey

**Officers in Attendance:-**

Lynne Harvey (Legal Advisor) and Carl Knights (Licensing Policy Advisor)

**1. Welcome and Safety Information**

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

**2. Apologies for Absence**

None

**3. Declarations of Interest**

Nothing was declared.

**4. Minutes of the Previous Meeting**

RESOLVED – that the minutes of meetings held on the 21<sup>st</sup> March 2023 & 25<sup>th</sup> April 2023 be confirmed as correct record.

**5. Public Forum**

None



## **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 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. SS - Application for the renewal of a Hackney Carriage Vehicle Licence seeking departure from Bristol City Council Policy**

The Applicant was in attendance.

The Licensing Officer introduced the report and summarised it for everyone. That detailed the issues arising from the applicant having a diesel vehicle that was now 10 years old. That the applicant was looking for the renewal of a Hackney Carriage Vehicle licence for that vehicle and that vehicle due to its age did not comply with Council policy.

- The vehicle was first registered on 4 March 2013
- The vehicle has been licensed with the Council since 7 September 2016
- That council policy determined that the applicant could not be issued with a HCV for that vehicle

SS was invited to put his case for renewal.

- SS explained the difficulties in sourcing a vehicle that fit Bristol's specification for a licensed vehicle
- That he had contacted the market leaders that supply the vehicles that the necessary adaptations can be made for wheelchair use and to re-spray to council blue.
- That those vehicles were commonly diesel vehicles to which modification were made
- That he had to consider the finance for the purchase and the real cost implications. He had only been offered vehicles registered between 2015-18. That did not give him sufficient years to repay the loan.
- The applicant was asking the council to allow him to use his current vehicle for a further 6 months to enable him to source an appropriate replacement.

SS and the Licensing Officer left the room whilst the Committee made its decision and returned to hear the decision.

### **Decisions and Reasons**

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The Committee considered carefully all the written and verbal evidence that it had received.



The Committee noted their Policy in relation to this case.

The Committee noted the evidence put before it to support the request for a departure from its Policy. The Members were persuaded to depart from its policy noting the real difficulties in sourcing compliant vehicles and was happy to allow a one time extension for 6 months, from the date of the hearing.

It was therefore

**Resolved (unanimously) – That the application of SS for the renewal of a Hackney Carriage Vehicle seeking departure from Council policy be granted for a period of 6 months from today's date to give SS a period of grace in which to look for another vehicle that conforms with Council policy.**

**In the particular circumstances of SS's application he had satisfied the Committee that on this occasion a departure from Council policy could be made without undermining it.**

#### **9. EY - Application for the grant of a Hackney Carriage Vehicle Licence seeking departure from Bristol City Council policy**

The Applicant was in attendance.

The Licensing Officer presented the report and summarised it for everyone. The HCV Licence was applied for outside the deadline and beyond the grace period. If the applicant had made the application within the grace period the vehicle would have been compliant. The application was so late that the revised council policy must be applied that provided that Hackney Carriage vehicles must be ULEV compliant.

The Applicant was invited to present his case.

- EH explained that the car was in for repair for an extended period. Parts had to be sourced from Germany. The car eventually passed its MOT.
- EH had missed placed the papers.
- EH had attempted to go on line to register the vehicle but found that the 16 digit reference given did not work and he had to make up to 10 calls to the service for assistance.

The Policy Officer confirmed and advised to question:

- That the customer services record would note the calls EH had made
- That from the 9<sup>th</sup> January 23 there had been a shift in processing applications, so although EH would have commenced the process via paper submission up to that date. EH would have been directed to the online portal to complete the application.
- Advised that it was a new process and would have been new to EH and could account for the delay.



The Applicant and Licensing Officer left the room whilst the Committee made its decision and later returned to hear the decision announced.

### **Decision and Reasons**

The Committee considered carefully all the written and verbal evidence that it had received.

The Committee noted their Policy in relation to this case.

The committee noted the change in process that would have impacted the applicants attempts to register the vehicle. If he had put in an application before the time expired whilst the car was being repaired the renewal would have been issued. The applicant did not know that it was permissible to submit an application whilst the vehicle was in for repair.

Members noted that the vehicle was CAZ compliant therefore;

**Resolved (2/3 For): That EH's application for the grant of a Hackney Carriage Vehicle be granted even though he had applied outside of the period of three months grace to renew it. There was evidence that he had made attempts to renew it within the period allowed and had struggled with the online system and therefore he had satisfied the committee that he could be treated as an exception to Council policy without undermining it.**

#### **10. AE - Report to seek consideration of an application for the grant of a Private Hire Driver Licence**

The Applicant was not present.

The Committee allowed sufficient time to pass before considering this application in absence. The Licensing Officer attempted to make contact with the applicant but failed to elicit a response.

The Licensing Officer was invited to set out the reasons for the report. The applicant sought renewal of his Private Hire Driver Licence. The report detailed the driving offences accrued over a number years and the case made in the report as why council policy should be applied and the application refused.

The Licensing Officer left the room to allow Committee to make its decision.

### **Decision and Reason**

The Committee considered the evidence in the report and the case made by the Licensing Officer.

The Committee noted their policy in relation to this case.



It was noted that Mr E had a number of motoring convictions that had resulted in him being disqualified from driving for a period of 6 months under the totting up procedure on 24 September 2019 whereby his licence was restored to him in March 2020. Since that time he had received another conviction for a speeding offence committed on 4 February 2021 which he declared on his most recent application form although it was noted that during a period when he was licensed, he had failed to declare other convictions/endorsements in accordance with the conditions of his licence.

There were also two instances whereby he was suspected of unlawfully plying for hire in 2018 and on 27 January 2019 – on the latter occasion he was found to be driving with expired insurance.

Paragraph 4.29 of the National Standards state that: Complaints about drivers and operators provide a source of intelligence when considering the renewal of a licence or to identify problems during the period of the licence. 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 Council is therefore entitled to take into account the two instances of suspected plying for hire even though no further action appeared to have been taken, in addition to the multiple motoring offences, which have all built up a picture of the applicant not being a suitable person to be entrusted with members of the public. There have also been issues of the applicant failing to notify the Council of driving endorsements whilst he held a licence.

The Council's policy allows some discretion to be exercised if the offence is isolated and there are mitigating circumstances. However, multiple offences or a series of offences over a period of time are likely to give greater cause for concern and may demonstrate a pattern of inappropriate behaviour which should be taken into account.

**It Resolved:**

**That in all the circumstances the Council could not be satisfied that Mr E was a fit and proper person to hold a PHD licence in accordance with section 51 of the Local Government (Miscellaneous Provisions) Act 1976 and therefore the application is refused.**

**11. AF - Report to determine whether action should be taken against the holder of a Hackney Carriage Driver & a Hackney Carriage Vehicle Licence**

Cllr Hucker had to leave committee to attend to council business. The committee remained quorate with two members.

AF attended with an Interpreter.

The Licensing Officer introduced the report and summarised it for everyone. Members were informed that PC Quinton would not be in attendance. They noted the statement submitted in evidence that recounted the events of that night.



The Applicant with the help of the Interpreter explained the following:

- At approx 1-2am on New Years morning he was at Bristol Bridge when he was approached by the passengers; they wanted to go to St George and he agreed to take them and they gave him the £20 through the window; he then unlocked the car to allow them to get in.
- The light on the cab is off when the meter is on.
- As he proceeded he noted the police; he became nervous because it was the 4<sup>th</sup> time he had been approached by the police so he checked his badge and touched the meter to check all was well
- He believes that he inadvertently caused the meter to show the total rather than the meter ticking along for the passengers. He believed that the total amount of £240 was the total shown as fares paid to date, on that day.
- The police questioned the passengers about the agreed fare. They heard from the passengers that a Uber was too expensive so they had asked how much the fare would be before getting in the cab confirming they had given him £20

Following answers were given in response to questions from Members:

- Asked if it was possible that a meter could give totals and the Licensing Policy Officer was able to find the manual for similar meter. It appeared that meters did display various totals.
- The roof light came on when a taxi stopped to discharge passengers, to show it was available for hire. The Meter is then re-started to calculate the current fare.
- AF advised that he had been working from that afternoon but did not bring any records with him to demonstrate the fares paid and/or total earned for that day.

AF was asked to sum up:

- AF had been a taxi driver for 25 years without incident and had a clean driving licence. He had looked after his car and the safety of his passengers.
- When taking passengers outside Bristol boundary he shared with them the book detailing charges.
- Even with passengers who sleep in the car AF affirmed that he ensured they arrived safely at their destination.
- Passengers always keep an eye on the meter asking about costs and estimates on how much to travel and/or how much the journey will cost. That he always provided them with information.

The Licensing Officer and the Applicant with the Interpreter left the room whilst the Committee made its decision and later returned to hear the decision announced.

### **Decision and Reasons**

The Committee considered carefully all the written and verbal evidence that it had received.

The Committee noted their Policy in relation to this case.

Members consider whether to accept the explanation provided by the applicant. That without the Officer present it was not possible to question the events of that evening. That they noted the anxiety that had arisen because of the applicant being stopped on four previous occasions. That they would accept on the



balance of probabilities the explanation given by the applicant explaining the circumstances leading up to him being stopped by the Police Officer.

Members took account the applicants clean driving record and unblemished history as a taxi driver for 25 years. They considered that on this occasion not to take any action. To advise the applicant that they hoped not to see him before committee for any other instances.

It therefore

**Resolved (unanimously) that on a balance of probabilities the committee accept your explanation as to what happened on the night in question and that there was no deliberate attempt by you to overcharge your passengers or not use the meter correctly.**

Meeting ended at 3.00 pm

**CHAIR** \_\_\_\_\_

