

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



5 March 2024 at 10.00 am

Members Present:-

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

Officers in Attendance:-

Hannah Pring - Legal Advisor, Dakota Delahunty - Licensing Policy Advisor, Carl Knights – Licensing Presenting Officer, Allison Taylor – Democratic Services

1. Welcome and Safety Information

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

2. Apologies for Absence

Apologies received from Councillor Poultney.

3. Declarations of Interest

None received.

4. Minutes of the Previous Meeting

RESOLVED that the minutes of the previous meeting held on 16 January 2024 be 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 relating to the moving of motions and rules of debate be suspended.

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. Application for the grant of a Private Hire Driver Licence – JH

The PHDL holder was present along with the proprietor of the company he worked for.

The Licensing Presenting Officer summarised the report for the benefit of the Sub-Committee and the Sub-Committee then heard from the Licence Holder & Company Proprietor as follows:-

1. He had requested exemption from the knowledge and gold standard as he would be only doing long distance driving primarily out of Bristol. He was very familiar with Bristol roads nevertheless;
2. He would be driving luxury cars for high end management, business class airport pick-ups. The routes were pre-planned and the driver planned the route 24 hours before the journey. All journeys were long distance.

The following points arose from questions :-

1. The airports would be primarily Heathrow, Gatwick, Manchester and Birmingham;
2. The Licensing Presenting Officer confirmed that he would still be required to undertake the Safeguarding Course;
3. The two speeding offences could only be put down to a momentary distraction.

Resolved – (Unanimous) That the exemption from the knowledge and gold standard be granted subject to a condition as set out in reasons below.

Reasons.

1. The Licence Holder would only be carrying out long distance, chauffeur type work and would not be making drop-offs in Bristol;
2. A condition would be added to the licence requiring that it was long distance, chauffeur type work only;
3. The Licence Holder would be required to undertake the Safeguarding Course
4. Exemptions for this type of work had previously been granted.

9. Report of an Application for the renewal of a Hackney Carriage Driver Licence & to determine whether action should be taken against the holder of a Hackney Carriage Driver Licence – SA

The Licence Holder was in attendance along with his legal representative and a member of the public in support.



The Licensing Presenting Officer summarised the report for the benefit of the Sub-Committee. The Sub-Committee then heard from the legal representative as follows:-

1. The Licence Holder had been driving a taxi for 25 years and was part of the Bangladeshi community;
2. There were a number of character references submitted. These references confirmed he was an honest, trustworthy and reliable man and these characteristics indicated a fit and proper person;
3. He had carried out 40,000 trips in his time as Licence Holder and had received only two complaints in 2010 & 2018 and no action was taken for either of them. They should be disregarded for this reason and as they were historic;
4. He took his professional responsibilities very seriously;
5. An email to the Licensing Authority dated 18 November 22 provided evidence that he had disclosed the penalty points incurred on 6 April 22. This had taken some months due to the paperwork going to and forth;
6. On both 16 June 21 & 6 April 22 he had been found speeding on the motorway. He had set the car to cruise control of 70mph and had forgotten to adjust it when the speed limit changed to 50mph;
7. On 11 September 21 he was stopped at the front of red lights and he moved over the line for a Police car to pass and was caught by camera. He should have appealed but did not;
8. These incidents did not represent his driving. There had never been a complaint regarding the nature of his driving. The nine points on his licence was sufficient warning. One more strike and he could no longer drive and he was now driving more carefully than ever. To take away his licence would significantly impact on his livelihood and his family.

The Sub-Committee then heard from the member of the public attending in support of the Licence Holder. It was noted that the Licence Holder had 2 sons with special needs and his wife had health issues. Being a taxi driver gave him the flexibility to support his family. He was a very kind person who had made a mistake. This was an exceptional situation and the application should be considered with sympathy.

The following points arose from questions :-

1. The Licence Holder although experienced accepted that it was a momentary lapse that he forgot to adjust the cruise control early enough;
2. There was concern from a member that there could have been an accident as he was going faster than the traffic in front of him.

Resolved – (Unanimously) That the renewal of the Hackney Carriage Driver Licence be granted and no action taken.

Reasons.

1. The historic complaints were discounted;



2. It was disappointing to note that there had been 2 SP50 offences in similar circumstances;
3. The Licence Holder had been off the road for some weeks and had a significant loss of earnings which was believed to be of sufficient deterrent not to do again;
4. The decision to grant was made on balance and it was hoped not to see the Licence Holder again.

10. Report of an application for the renewal of a Hackney Carriage Driver Licence & to determine whether action should be taken against the holder of a Hackney Carriage Driver Licence – CB

The Licence Holder and his employer were in attendance.

The Licensing Presenting Officer summarised the report for the benefit of the Sub-Committee and the Sub-Committee then heard from the Licence Holder as follows:-

1. The Licence Holder had been a HCD for 27 years and had never had an incident. There was a wall all along Clifton Down Road which limited a view. He stopped at the junction and saw a gap in the traffic and pulled out and on doing so he collided with two pedestrians. He would be summoned to court for the offence of not driving without due care and attention. It was a momentary lapse and he could not justify that loss of concentration. He was extremely remorseful;
2. He had hoped to do a few more years driving and then retire. He enjoyed his job and being active and out of the house. He had helped the trade with a disability awareness course.

The following points arose from questions:-

1. He had not notified the Licensing Authority immediately as he had been in shock and could not think what to do;
2. He had not seen the pedestrians waiting there and as he waited for a gap in the traffic they had walked around the side of his car. He had two passengers in his taxi.

The Sub-Committee then heard from his employer who confirmed that the Licence Holder had worked for him since 2011 and had never had a complaint. He had not worked since the incident and it would be a great loss not to get his badge back. He was thought highly of.

Resolved – (Unanimously) That the renewal of a HCDL be granted and no action taken.

Reasons.

1. His unblemished record over 20 years was taken into account;
2. He was sincerely remorseful and had not attempted to excuse the fact that it was his fault;
3. The severity of the incident was acknowledged but it was agreed that public safety was not compromised.



11. Application for the grant of a Private Hire Driver Licence – MD

The Licence Holder was in attendance.

The Licensing Presenting Officer summarised the report for the benefit of the Sub-Committee and the Sub-Committee then heard from the Licence Holder as follows:-

1. He had previously been a PHD from 1992 to 1997.;
2. His first offence was for driving at 50mph in a 50mph area. The second offence was for driving 35mph in a 30mph area. On the third offence his licence was taken away but was reinstated on appeal;
3. He was currently a business development manager and travelled around the UK but his wife's health was not good so he wanted to be around Bristol to be near to her.

The following points arose from questions:-

1. His employment responsibilities were taking their toll and taxi driving would give him freedom;
2. It was not in his nature to put the public at risk and had not intended to speed. The nine points would be removed this year and he had no intention of jeopardising his employment and income by speeding again;
3. It was confirmed that the court had given him 6 points for failure to do the speed awareness course which he had intended to do but had been called away for work that day;
4. It was confirmed that one set of points would not prevent the licence being granted but multiple points would;
5. He was a very responsible person in life and would not put passengers at risk. There had been no intention to speed and the speeds for the offence had not been excessive.

Resolved – (Unanimously) That the PHDL be granted.

Reasons.

1. The application was granted on balance. There was concern that three offences had taken place in such a short period of time and it was emphasised that the Sub-Committee did not wish to see him before them again.

12. Report to consider whether any action should be taken on both a Private Hire Vehicle and Private Hire Driver License – MR.

This item had been added to the agenda late due to its urgent nature. The Sub-Committee heard that the driver's legal representative had requested an adjournment so that legal representation could be prepared. The Sub-Committee carefully considered the request and agreed that consideration of the



matter be delegated to senior officers of the Licensing Authority and in the presence of the driver's legal representative which would take place on 6 March 2024.

Meeting ended at 2.15 pm

CHAIR _____

