

Public Safety and Protection Sub-Committee A Agenda



Date: Tuesday, 7 July 2020

Time: 10.00 am

Venue: Remote Access - Remote Access

Distribution:

Councillors: Tom Brook, Steve Jones, Ruth Pickersgill (Chair), Estella Tincknell and Lucy Whittle

Copies to: Ashley Clark (Legal Advisor), Sarah Flower (Licensing Policy Advisor), Lynne Harvey (Legal Advisor), Abigail Holman (Licensing Policy Advisor), Jonathan Martin, Wayne Jones, Carl Knights (Licensing Policy Advisor), Shreena Parmar (Legal Advisor), Emma Lake and Tony Johnson

Issued by: Norman Cornthwaite, Democratic Services

City Hall, PO Box 3176, Bristol, BS3 9FS

Tel: 0117 3526162

E-mail: democratic.services@bristol.gov.uk

Date: 03 July 2020



Agenda

4. Minutes of the Previous Meeting

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



16 June 2020 at 10.00 am

Members Present:-

Councillors: Tom Brook, Steve Jones, Ruth Pickersgill (Chair), Estella Tincknell and Lucy Whittle

Officers in Attendance:- Carl Knights – Licensing Policy Adviser, Shreena Parmar – Legal Adviser (Minute Numbers 8 and 9), Ashley Clark – Legal Adviser (Minute Number 11), Sarah Flower – Presenting Officer (Minute Numbers 8 and 9), Allison Wright (Minute Number 11), Jeremy Livitt – Clerk (Democratic Services), Amira Maqsood – Technical Support (Democratic Services)

Also In Attendance: PC Patrick Quinton – Avon and Somerset Constabulary (Agenda Item 11), Samira Dualeh – Interpreter (Agenda Item 11).

1. Welcome and Safety Information

The Chair welcomed all parties to the meeting.

2. Apologies for Absence

There were no apologies for absence.

3. Declarations of Interest

There were no Declarations of Interest.

4. Minutes of the Previous Meeting

These were approved as a correct record.

5. Public Forum

There were no Public Forum items.



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

The Committee agreed to suspend these procedure rules.

7. Exclusion of Press and Public

RESOLVED – that the press and public be excluded from the meeting during the following items of business as they contain exempt information.

8. Private Hire Vehicle Grant Application - FK

The Chair welcomed FK to the meeting and introduced all parties.

Carl Knights acted as Licensing Policy Adviser and Shreena Parmar as Legal Adviser for this hearing.

Sarah Flower (Senior Licensing Officer) presented this report and made the following points:

- This application was seeking consideration of an application for the grant of a Private Hire Vehicle (PHV) licence seeking exemption from Council Policy.
- Mr FK submitted an application for the grant of a PHV licence in respect of a Suzuki Vitara. The vehicle was first registered on 30 June 2017.
- The vehicle has undergone inspection by the Council's Fleet Services Department. The applicant asked if Turquoise would be accepted for use as a Private Hire Vehicle. A copy of this inspection is attached as APPENDIX A
- The V5 Registration document was not supplied with the application, therefore a search of the DVLA database has taken place the results of which are attached as APPENDIX B which confirms that the vehicle is registered as being Turquoise.
- A copy of the original sales invoice is attached which shows that the vehicle was purchased as being blue, a copy of this invoice is attached as APPENDIX C
- FK has supplied a document from Suzuki which also confirms that the vehicle is Turquoise colour code ZQN, a copy this document is attached as APPENDIX D
- FK has submitted photos of the vehicle which are attached as APPENDIX E
- By definition Turquoise is a shade of blue
- Bristol City Council's policy guidance states that there should be no new applications for vehicles carrying a livery on the blue spectrum.

FK made the following points:

- He had to go through all of the required vehicle inspection checks



- He took his car to MOT at Brislington for a pre-MOT check. He was advised that there were four windows that were tinted which would need to be changed. They did not mention anything about the colour at the time
- The colour of the vehicle is turquoise not blue. He went back to clarify this and this was subsequently corrected.
- He also took the car to a body sprayer. It was stated categorically that the colour is turquoise green not turquoise blue. He didn't know why this statement was not supplied to the Committee. This document was sent directly to Callum McKenzie in the Licensing Team
- He also took this vehicle colour to the hackney carriage inspector who confirmed that it was turquoise green not turquoise blue.

The Sub-Committee asked both parties to withdraw from the meeting during their deliberations and upon their return announced the following decision.

RESOLVED – that the application is refused in line with Bristol City Council Private Hire Vehicle Specification as the vehicle is turquoise therefore on the blue spectrum and Members considered that there we no circumstances to justify departure from the policy.

9. Private Hire Driver Exemption Request - RW

Carl Knights acted as Licensing Adviser to the Panel for this hearing and Shreena Parmar acted as Legal Adviser to the Panel.

Sarah Flower presented the report and made the following points:

- This is an application for the grant of a Hackney Carriage Licence.
- RW applied for the grant of a PHD licence on 18 February 2020 and has requested exemption from undertaking the Knowledge Test and Gold Standard Course. RW previously held a Hackney Carriage Driver (HCD) licence with the Council from 9 May 2007 to 28 January 2019, with a number of gaps between licence periods (of less than 12 months). The application did not renew his licence within the period permitted therefore this application is regarded as a first application and not a renewal application.
- RW was required to demonstrate that he could meet the Gold Standard to receive this licence
- If the application was approved, the applicant would need to achieve the gold standard test, together with the knowledge test, an Immigration Right to Licence Check, a DVLA mandate, an enhanced Disclosure and Barring Service Check and a Licence fee

RW made the following points:

- He had paid £19.50 for licence and wanted to keep this as a qualification if he needed it in future.
- He hadn't realised if he let the licence run out, he would be unable to get it back.
- He had carried out the knowledge test in 2007 but not the gold standard test
- He had previously driven a minibus.



- Whilst he hadn't used the licence every day, he had been driving taxis since he was 21 and had lived in Bristol all his life

The Sub-Committee asked both parties to withdraw from the meeting during their deliberations and upon their return announced the following decision.

RESOLVED – that the Sub-Committee were satisfied that the applicant has gained sufficient knowledge from his experience as a taxi driver and resolved to exempt him from completing the Knowledge Test. The Sub-Committee does not exempt him from completing the Gold Standard test as he has not previously completed this test.

10 Private Hire Driver Renewal Request - IO

This application was deferred to a future meeting.

11 Neighbourhood Enforcement Report - MA

MA attended this hearing with an interpreter.

Carl Knights acted as Licensing Policy Adviser to the Panel and Ashley Clark as the Legal Adviser to the Panel.

PC Patrick Quinton (Avon and Somerset Constabulary) attended as a witness.

Alison Wright (Neighbourhood Enforcement Team) presented the report to request consideration by the Committee as to whether or not action should be taken against the holder of a Private Hire Driver Licence. She made the following points:

- MA was granted a Private Hire Driver licence on 22 August 2012 and the current licence is due to expire on 22 August 2020.
- The Neighbourhood Enforcement Team were informed by Taxi Compliance Officer, PC Quinton, that a licensed private hire vehicle had been presented at Bristol City Council's MOT testing centre on 5 March 2020 for a pre-arranged MOT Inspection.
- The vehicle had been driven to the test centre by MA. The mechanic inspecting the vehicle found both rear tyres to be defective. Both were below the legal tread minimum of 1.6mm and cords were exposed. As a consequence, a 'Refusal of MOT Certificate' was issued.
- PC Patrick Quinton reported MA for consideration of prosecuting him under The Road Vehicles (Construction & Use) Regulations 1986; for having tyres with the ply or cord exposed. This offence would normally result in 3 points per tyre, as well as a fine/court costs

PC Patrick Quinton confirmed that MA had accepted culpability in this offence and had paid a fine and costs of £177 by post and with 3 points being awarded against his licence. Whilst there were two



separate offences, the Magistrate appeared to have taken account of MA's admission of culpability and of his pleading guilty by post and awarded only one offence.

The Committee noted Bristol City Council's policy. This indicated that two minor traffic offences would result in automatic suspension and that they therefore needed to consider whether or not MA remained a fit and proper person to hold a licence.

MA made the following points:

- I have acknowledged this offence and have assured PC Quinton that I will not do this again
- I have changed my tyres and will follow the law in future

The Sub-Committee asked both parties to withdraw from the meeting during their deliberations and upon their return announced the following decision.

Resolved – that the Sub-Committee noted that Bristol City Council policy stated that two minor traffic offences would result in suspension but they resolved to depart from their policy and give MA a warning. They noted that MA had been convicted and had received three points on his driving licence. Although there were two infringements, they had occurred on the same occasion and whilst recognising that this was a serious public health issue, members were satisfied that MA was contrite.

Meeting ended at 2.25pm

CHAIR _____

