

Public Safety and Protection Sub-Committee B Agenda



Date: Tuesday, 21 March 2023

Time: 11.30 am

Venue: Beira Room, City Hall, College Green, Bristol,
BS1 5TR

Distribution:

Councillors: Christine Townsend (Chair), Jonathan Hucker, Brenda Massey and Guy Poultney

Copies to: Sarah Flower (Licensing Policy Advisor), Lynne Harvey (Legal Advisor), Kate Burnham-Davies, Abigail Holman (Licensing Policy Advisor), Jonathan Martin (Trading Standards and Private Housing Manager), Wayne Jones, Carl Knights (Licensing Policy Advisor), Shreena Parmar (Legal Advisor) and Allison Taylor (Democratic Services Officer)

Issued by: Jeremy Livitt, Democratic Services

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Date: Friday 10th March 2023 (Republished Monday 20th March 2023)



Agenda

1. Welcome and Safety Information

(Pages 4 - 5)

2. Apologies for Absence

3. Declarations of Interest

4. Minutes of the Previous Meeting held on Tuesday 24th January 2023

To confirm as a correct record for signing by the Chair.

(Pages 6 - 11)

5. Public Forum

Up to 30 minutes is allowed for this item.

Any member of the public or Councillor may participate in Public Forum. The detailed arrangements for so doing are set out in the Public Information Sheet at the back of this agenda. Public Forum items should be emailed to democratic.services@bristol.gov.uk and please note that the following deadlines will apply in relation to this meeting:-

Questions - Written questions must be received 3 clear working days prior to the meeting. For this meeting, this means that your question(s) must be received in this office at the latest **by 5pm on Wednesday 15th March 2023.**

Petitions and Statements - Petitions and statements must be received on the working day prior to the meeting. For this meeting this means that your submission must be received in this office at the latest **by 12 Noon on Monday 20th March 2023.**

Please note, your time allocated to speak may have to be strictly limited if there are a lot of submissions. This may be as short as one minute

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

Recommended – that having regard to the quasi-judicial nature of the business



on the Agenda, those Committee Procedure Rules relating to the moving of motions and the rules of debate (CMR10 and 11) be suspended for the duration of the meeting.

7. Exclusion of the Press and Public

Recommended – that under Section 11A(4) of the Local Government Act 1972 the public be excluded from the meeting for the following items of business on the ground that involve the likely disclosure of exempt information as defined in Part 1 of Schedule 12A to the Act, as amended.

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|--|------------------------|
| 8. SG - Report of an Application For the Grant of a Private Hire Vehicle Licence Seeking Exemption From Council Policy In Respect of Measurement, Tinted Windows and Displaying Licence | 11.30 am |
| | (Pages 12 - 24) |
| 9. LUNCH | 12.30 pm |
| 10. MHH - Report of an Application for The Renewal of a Hackney Carriage Driver Licence | 1.00 pm |
| | (Pages 25 - 64) |
| 11. HAK - Report of an Application for the Renewal of a Hackney Carriage Driver Licence | 1.45 pm |
| | (Pages 65 - 96) |



Public Information Sheet

Inspection of Papers - Local Government (Access to Information) Act 1985

You can find papers for all our meetings on our website at <https://www.bristol.gov.uk/council-meetings>

Covid-19: changes to how we hold public meetings

Following changes to government rules, we'll use video conferencing to hold all public meetings, including Cabinet, Full Council, regulatory meetings (where planning and licensing decisions are made) and scrutiny.

Councillors will use Zoom or Skype for Business to take part in the meetings and vote on agenda items.

We'll stream the meetings live on YouTube.

You can submit statements, questions and petitions ahead of the meetings in the same way as usual. We will send all statements to participating Councillors in advance and respond to all questions and petitions in writing.

You will not be able to present a public submission at the meeting at the current time. We're looking into options for increasing public participation at meetings held using video conferencing, including being able to present a statement or ask supplementary questions using Zoom. We hope to have this in place in by late May 2020.

Email democratic.services@bristol.gov.uk if you have any questions.

Public Forum

Members of the public may make a written statement ask a question or present a petition to most meetings. Your statement or question will be sent to the Committee. Please submit it to democratic.services@bristol.gov.uk The following requirements apply:

- The statement is received no later than **12.00 noon on the working day before the meeting** and is about a matter which is the responsibility of the committee concerned.
- The question is received no later than **5pm three clear working days before the meeting**.
- Any statement submitted should be no longer than one side of A4 paper. For copyright reasons, we are unable to reproduce or publish newspaper or magazine articles that may be attached to statements.

By participating in public forum business, we will assume that you have consented to your name and the details of your submission being recorded and circulated to the Committee and published within the minutes. Your statement or question will also be made available to the public at the meeting to which it relates and may be provided upon request in response to Freedom of Information Act requests in the future.



We will try to remove personal and identifiable information. However, because of time constraints we cannot guarantee this, and you may therefore wish to consider if your statement contains information that you would prefer not to be in the public domain. Public Forum statements will not be posted on the council's website. Other committee papers may be placed on the council's website and information within them may be searchable on the internet.

During the meeting:

- Public Forum is normally one of the first items on the agenda, although statements and petitions that relate to specific items on the agenda may be taken just before the item concerned.
- There will be no debate on statements or petitions. Public Forum will be circulated to the Committee members prior to the meeting and then noted at the meeting.
- Please note that only written submissions can be considered at this time.

For further information about procedure rules please refer to our Constitution <https://www.bristol.gov.uk/how-council-decisions-are-made/constitution>

The privacy notice for Democratic Services can be viewed at www.bristol.gov.uk/about-our-website/privacy-and-processing-notice-for-resource-services

Webcasting/ Recording of meetings

Members of the public attending meetings or taking part in Public forum are advised that all Full Council and Cabinet meetings and some other committee meetings are now filmed for live or subsequent broadcast via the council's [webcasting pages](#). The whole of the meeting is filmed (except where there are confidential or exempt items).

Other formats and languages and assistance for those with hearing impairment

You can get committee papers in other formats (e.g. large print, audio tape, braille etc) or in community languages by contacting the Democratic Services Officer. Please give as much notice as possible. We cannot guarantee re-formatting or translation of papers before the date of a particular meeting.



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



24 January 2023 at 10.00 am

Members Present:-

Councillors: Christine Townsend (Chair), Jonathan Hucker and Guy Poultney

Officers in Attendance:-

Carl Knights (Licensing Policy Adviser for Agenda Items 8 and 9 and Presenting Officer for Agenda Items 10 and 12) and Dakota Ferrara (Licensing Policy Adviser for Agenda items 10 and 12 and Presenting Officer for Agenda Items 8 and 9), Ronald Sempebwa (Legal Adviser) and Jeremy Livitt (Clerk for the Hearing)

1. Welcome and Safety Information

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

2. Apologies for Absence

Apologies for absence were received from Councillor Brenda Massey.

3. Declarations of Interest

Councillor Guy Poultney declared an interest in respect of Agenda Item 8 – MR – Application for the Grant of a Private Hire Vehicle Licence Seeking Departure from Bristol City Council Policy. He referred to Appendix B which included a minute from a meeting held on 26th March 2013. He noted that he had presented a Public Forum Statement on behalf of another Councillor for a different applicant. It was noted that the Public Forum Statement was in relation to a separate application.

4. Minutes of the Previous Meeting held on 15th November 2022

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



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

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 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. MR - Application for the Grant of a Private Hire Vehicle Licence Seeking Departure from Bristol City Council Policy

MR was in attendance for this hearing.

The report was presented by Dakota Ferrara (Senior Licensing Officer) who presented the report and made the following points:

- MR's vehicle had failed a recent inspection due to tints on the window. A copy of the Inspection report was attached to the paperwork
- Bristol City Council's Private Hire Licencing Policy required all vehicles to be no less than 3.5 years old. However, this vehicle was 3 years 9 months old at the time of inspection
- Whilst the front side windows had completely failed the test, the rear side windows still let in 25% of light
- As the vehicle did not meet the requirements of the policy, officers recommended that it be refused
- Since tinting caused difficulties for partially sighted people in seeing out of vehicles, Licensing policy for vehicles did not permit this

In response to members' questions, MR made the following points:

- He had purchased the vehicle through a second-hand company with the purpose of using it as a Private Hire Vehicle
- He worked for AA Taxis at Old Market and wasn't aware that the vehicle would cause a problem with this employment



- He carried out specific pre-paid jobs at Bristol Airport and at Spire Hospital
- Although he was not aware of the policy concerning tinted vehicles, he did not believe there was any problem in seeing out of his vehicle
- He originally had more time to replace his old vehicle but due to the introduction of the clean air zone had been required to do so earlier.

In response to members questions, the Licensing Policy Adviser confirmed:

- that grants were available for people in MR's situation following the introduction of the clean air zone which could assist him.
- Modifications were not allowed to existing vehicles to be used as taxis since this frequently resulted in breaches of policy and affected the safety of vehicles for crash testing purposes
- It was estimated to cost between £500 and £1000 to replace tinted windows

Following deliberations by the Sub-Committee, the decision was announced to both parties as follows:

RESOLVED (unanimously) – that the application is refused as the Sub-Committee is required to ensure that BCC's policies in respect of age and tinted vehicles are maintained. The applicant is advised that they may be able to apply for a grant for their vehicle following the introduction of the Clean Air Zone.

9. NB - Report Of An Application for the Renewal of a Private Hire Driver Licence

After discussions with the applicant who had not attended, the Sub-Committee noted that he indicated he had not received details of the hearing.

Following the convention for Licensing hearings in respect of first-time hearings, the Sub-Committee agreed to the deferral of the hearing:

RESOLVED (unanimously) – that the hearing is deferred to a future meeting.

10. AA - Report of an Application for the Renewal of a Private Hire Driver Licence

AA attended for this hearing. Carl Knights, Senior Licensing Officer, presented the report and made the following points:

- The applicant had held a licence since 2007 until it had expired in December 2022
- He had not ticked the box on the application form as required confirming he had not received a criminal conviction or a reprimand (and if he is unable to do so contacting clarifying why or discussing the matter further with the Licensing team)



- AA had been committed a speeding offence on 22nd December 2021 and, following a failure to respond to a questionnaire confirming that this was his vehicle, he had been convicted on 15th February 2022
- AA had advised the Licensing Team that he had not received any letter with the questionnaire, the subsequent letter inviting him to court or the letter informing him of the court's decision after the hearing
- There were several additional offences on AA's record although these were historic and not necessarily traffic related
- Since AA had received an MS90 awarding 6 points for his offence, officers requested that the Sub-Committee refuse his application

In response to members' questions, AA made the following comments:

- He did not tick the box as he had not received the letter and was not aware that he had committed any offence
- Until he received the e-mail from the Licensing team advising him why his application was refused, he was not aware that he had received any points for this offence. The court had advised him that, if he completed the form and returned it within three months, this would be ok
- AA showed the Sub-committee the e-mail he had received from the court on this issue. He was asking the court to re-open his case to prove his innocence but had been advised that this would take up to 2 months from 12th December 2022 when the review request had been made
- AA confirmed that he had lived at his present address since 2012.
- He had left the box blank as he did not realise the difference between completing both boxes on the form
- AA confirmed that only he was insured to drive the car. He, therefore, assumed it was him who had been caught speeding and would receive the fine
- AA explained that he was the father of five children and was the breadwinner within his family

Following deliberations, the Sub-Committee made the following decision and advised both parties:

RESOLVED (unanimously) – that the application is refused as AA has been convicted of an offence in the court and received 6 points. It was noted that he failed to confirm all the statements on the Taxi Driver Renewal form, notably failing to tick the box stating that he had not received any criminal or driving convictions, caution or reprimand, including DVLA points. Additionally, he did not provide any further information to support the failure to tick the relevant box.

The Sub-Committee also noted that AA has completed the application form correctly in the past with a previous conviction. The Sub-Committee was unable to take into account the circumstances surrounding the conviction. They noted that he can make a further application in future.



11. NA - Application for the Renewal of a Hackney Carriage Licence Seeking Departure From Bristol City Council Policy

NA was in attendance, together with the previous licence holder SA and a representative of the Taxi Owners Association.

Carl Knights (Senior Licensing Policy Adviser) introduced this report and made the following points:

- The vehicle had first been registered by SA on 21st October 2014 and the latest licence had run from 7th July 2022 to 6th January 2023
- On 12 September 2022 an application to transfer the licence from SA to NA was received. However, this application was incomplete and did not include either the date the vehicle was sold, or a copy of the bill of sale.
- Following a request from the licensing team for NA to provide the outstanding documentation, he had supplied a copy of the bill of sale which showed that it had been purchased on 17th May 2022. Since the previous licence under SA ran from 7th July 2022, this receipt was invalid as NA did not own the vehicle at this point
- Both parties had signed the application sent on 21st June 2022 stating that SA was the proprietor and NA the driver of the vehicle
- Therefore, NA had applied to renew a licence he had never held
- Since the application had been made just under 9 months after last valid licence expired, it did not comply with the policy which only gave 3 months grace. Under previous court case law in the High Court, a licence was required to be renewed within a few days of expiring to be valid
- Whilst the Sub-Committee might be minded to treat the renewal application as a grant application, it did not comply with the requirement as it was fitted with a Euro 5 diesel engine not a Euro 6 vehicle as required

In response to members questions, the Senior Licensing Officer confirmed that:

- The licence could not be owned by NA since the sale of the licence took place prior to the application for renewal, this was an attempt to sell a licence that they never owned.
- Officers had not been made until 5th January 2023 aware of the date of the sale of the vehicle and the fact that it had been sold
- SA was the only person that could have technically renewed it at the time that the renewal application was made since they owned the vehicle

The Taxi Association Representative and NA made the following points:

- The engine had failed a month before the licence expiry date. However, it had proved difficult to obtain a replacement engine within an affordable cost. Whilst plates had expired on 31st March 2022, the engine had not failed at the same time



- When the engine was ready to be transferred, this was not possible as the car was only partially owned by NA despite an agreement being in place to sell it.
- Since SA had urgent business that he needed to deal with in Pakistan, not all of the money was transferred at the same time. Some was transferred in May 2022 and the receipt for transfer was made at the time of the final payment
- As a result of this, SA still had ownership of the vehicle until the final payment transfer was made. However, NA had spent a lot of money on the vehicle and would be converting it from a Euro 5 diesel to a Euro 6 to comply with the necessary requirements
- A logbook was transferred at the time of the payment agreement under my name as required for insurance purposes
- The car had been driven throughout this period by NA and had always been insured and received its MOT
- If NA had wanted to deceive the licensing team, he would have changed the date of the sales receipt that he handed in to them

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

RESOLVED (unanimously) –Following the receipt of legal advice, the Sub-Committee was unable to approve the application for renewal of the licence. NA purchased the vehicle on 17 May 2022 in accordance with the supplied bill of sale. The licence to be renewed was applied for on 21 June 2022 by Sajjad Ahmed and ran from 7 July 2022 to 6 January 2023. The last valid licence expired on 31 March 2022. NA’s application was in therefore relation to a licence that he had never held, and in any event the renewal was now more than 9 months after the previous licence expired. However, the Sub-Committee confirmed that NA is welcome to make a fresh grant application.

12. Date of Next Meeting

The next meeting is scheduled to be held at 10am on Tuesday 21st March 2023 in the Beira Room, City Hall, College Green, Bristol.

The meeting ended at 3.20 pm

CHAIR _____



By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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