

Public Safety and Protection Sub-Committee A Agenda



Date: Tuesday, 16 February 2021

Time: 10.00 am

Venue: Remote Access - Remote Access

Distribution:

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

Copies to: Emma Lake, 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), Tony Johnson and Oliver Harrison (Democratic Services Officer)

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Date: 8 February 2021



Agenda

1. Welcome and Safety Information

(Pages 4 - 5)

2. Apologies for Absence

3. Declarations of Interest

4. Minutes of the Previous Meeting

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

(Pages 6 - 12)

5. Public Forum

Up to 10 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 5 pm on Wednesday 10 February.

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 12.00 noon on Monday 15 February.

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 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.

8. ZZ - REPORT TO DETERMINE WHETHER ACTION SHOULD BE TAKEN AGAINST THE HOLDER OF A PRIVATE HIRE DRIVER LICENCE

(Pages 13 - 24)

9. GS - REPORT OF AN APPLICATION FOR THE GRANT OF A PRIVATE HIRE VEHICLE LICENCE SEEKING EXEMPTION FROM COUNCIL POLICY

(Pages 25 - 29)



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 A



15 December 2020 at 10.00 am

Members Present:-

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

Officers in Attendance:-

Abigail Holman (Licensing Policy Advisor), Wayne Jones (Neighbourhood Enforcement Officer), Carl Knights (Senior Licensing Officer), Shreena Parmar (Legal Advisor) and Oliver Harrison (Democratic Services Officer)

1. Welcome and Safety Information

The Chair welcomed everyone to the meeting and drew attention to the Meeting procedure.

2. Apologies for Absence

No apologies received.

3. Declarations of Interest

None received.

4. Minutes of the Previous Meeting

RESOLVED the minutes of the last PSP-A meeting on 13 October 2020 were 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

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 Press and Public

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.

8. AT - whether action should be taken against the holder of a private hire driver licence

The driver (AT) was in attendance, as was his legal representative (FW). An interpreter arranged through the Council's translation and interpreting service was also in attendance (OA) as requested by AT. PC Quinton (PCQ) from Avon and Somerset Constabulary was in attendance.

The Neighbourhood Enforcement Team (NET) Officer introduced the report and drew attention to the following:

- That AT holds a PHD licence expiring October 2021 and a PHV licence expiring February 2021. AT is the only person insured for this vehicle.
- On 21 October 2020, PC Quinton contacted the NET in regards to a number of offences. This included: a vehicle inspection notice for a number of mechanical faults, failing to comply with his licence conditions, causing an obstruction on Park Street, his vehicle having defective tyres that were considered to be dangerous, smoking in his vehicle, driving in a pedestrian zone through a sign prohibiting entry, keeping his engine running whilst not in the vehicle (engine idling) and failing to display private hire vehicle plates and have his second private hire badge as required.
- AT has a number of historical offences and allegations against him including: a battery conviction, a conviction of plying for hire and no insurance, watching a film while driving, using abusive language towards a passenger and obstruction of a driveway.

The applicant gave the following evidence:

- FW stated that AT denies the offences listed in 3.1, 3.2, 3.3, 3.5 and 3.6. In regards to 3.4 (smoking in a licenced vehicle), FW said that AT was not carrying passengers at the time so the offence was not relevant. AT himself said that everything in the NET report is false.
- FW said that AT denies watching a film while driving and the historical complaint of swearing at customers and that AT never uses abusive language. In regards to the battery conviction, FW said that this was AT defending himself against someone who had become aggressive due to AT refusing to lend him money. AT elaborated on this incident and said it was in 2009 and is the only criminal conviction on his record.



- FW said that he had met AT as a customer a month ago, that AT was 45 minutes late and appeared disorientated as he was on prescription drugs due to stress and difficulty sleeping. AT sends his mother £500 per month and pays £1500 a month in family support to his divorced wife and children. He also works occasionally as a builder. A suspension will mean he cannot drive, which would present financial hardship. AT intends to take legal action against the police.

After questioning from the committee, the following information was confirmed:

- AT has been prescribed Amitriptyline for stress and sleep problems. Officers said that some prescription medicines may affect the user's ability to drive and should be declared to the licensing office as per the licensing conditions.
- AT said that he believes he is being unfairly targeted by the police. PC Quinton said that all incidents in the report have happened as part of his monitoring of the 4,500 drivers in the area. AT works heavily in the centre so PCQ will see him more often than other vehicles with a wider range. On all of these occasions, PCQ has stopped AT because there was a reasonable cause to do so, they were not random checks.
- Officers confirmed that smoking in a licenced vehicle is an offence and is not permitted at any time, regardless of whether there are passengers in the vehicle.
- AT and FW said they intended to sue the police for loss of earnings caused by the suspension of his licence. It was confirmed by licencing officers that AT's licence was never suspended. AT said that PCQ contacted his taxi operator after the Park Street incident and told them to suspend him. PCQ confirmed that he had discussed the incident with the operator, but that he had made no recommendations of suspension, he had no power to do so, and it was a decision taken solely by the operator.
- AT said that he left Park Street after telling PCQ that he needed to pray. PCQ confirmed that this was not the case, and as per the bodycam footage submitted, and AT gave no explanation before driving off.
- There was discussion about the bald tyre incident as the report said that AT did not drive the vehicle to the test station. AT said that he had not driven the car for 4 months prior to this incident and that his mechanic drove the car to the inspection. AT said that the tyres were in good condition before he gave the car to the mechanic, who switched the tyres for poor condition ones before submitting the vehicle for inspection.
- Regarding the offence of driving in a pedestrian zone, AT said that he was delivering food, that PCQ told him not to move his vehicle and there were other vehicles present committing the same offence. PCQ confirmed that the bodycam footage showed this account was not accurate.
- It was confirmed that the battery conviction was not up for debate as it had been proven by the courts and the Committee could not go behind a conviction, although the committee would consider how much time had elapsed since the conviction.
- During summing up, AT said the reports were designed to incriminate him and that PCQ unfairly singles him out and has people following him. AT then said he did not dispute the evidence in the report but that it had been gathered unlawfully.

The Committee withdrew to deliberate on their decision.



RESOLVED (unanimous decision) Private Hire Driver Licence and Private Hire Vehicle Licence are revoked.

The Committee had cause for concern that AT has shown a pattern of offending and inappropriate behaviour and a disregard for authority, the law and public safety and considered the totality of his behaviour to be a danger to public safety and protection. Furthermore, the Committee heard that AT was taking prescription medication which could cause drowsiness and affect his ability to operate a vehicle, which gave rise for further concern as he did not inform the licensing team as required to do so by licensing conditions.

AT presented no mitigation or information to persuade the Committee to depart from the Council's policy, or persuaded the Committee that he was a fit and proper person to hold a licence. The Committee, in considering the report, relevant policies and legislation and the evidence presented, could not be satisfied that AT was a fit and proper person to hold a Private Hire Driver License and consequently found that there was reasonable cause to revoke it. There was also reasonable cause to revoke the Private Hire Vehicle Licence especially as AT was the only person insured to drive it.

9. SA - an application for the grant of a Hackney Carriage Driver (HCD) seeking departure from Council policy

The driver (SA) was in attendance. PC Quinton from Avon and Somerset Constabulary was in attendance.

The Senior Licencing Officer introduced the report and drew attention to the following:

- The application is for both a Hackney Carriage Driver (HCD) licence and Hackney Carriage Vehicle (HCV) licence.
- SA has held an HCD and HCV previously, but they were refused and revoked respectively by this committee on 26 May 2020.
- SA appealed the PSP decision at Magistrates' Court, but his appeal was dismissed. The Magistrates' indicated he may want to apply for a licence after a 6 month period, but this would be at the discretion of the licensing authority who were not bound by this decision as any application would be subject to tests and checks.
- SA's vehicle does not meet current emissions policy, the previous vehicle licence was granted under "grandfather rights" which are no longer in force now that the vehicle has been unlicensed for a period of time due to the HCV licence being revoked in May 2020. The Council's policy on private hire vehicles states that a vehicle upon first application has to be an ultra-low emission vehicle with Co2 output below 75g per km. SA's vehicle is 109g per km (first application includes where the licence has been revoked)
- SA has previously held a HCD licence since BCC records began in 2003 until it was revoked by PSP in January 2012, due to SA plying for hire. SA was relicensed 2013 and held this until it expired in March 2020. The PSP Committee refused to grant a licence in May 2020 as they found he was not a fit and proper person to hold a licence.
- SA has made a false declaration on his current application as he has previous convictions but did not declare them. The previous PSP Committee's decision to revoke his licence was due to



offending behaviour and making a false declaration on a previous application. The previous PSP Committee's decision emphasises that SA must not make false statements in future and he has also been reminded of this in subsequent correspondence

- Over the past 12 months SA has committed a number of offences. This includes: Driving without a HCD licence, making false statement on application, smoking in a HCV, failure to wear ID badge, failure to display ID plates and mechanical faults with the vehicle. SA has not been licensed since the refusal in May 2020, so the offences actually took place over a much shorter period of time.
- The officer believes this shows a pattern of offending behaviour and non-compliance with the relevant authorities.

The applicant gave the following evidence:

- SA said that his vehicle was within emission standards as it had Co2 emissions of below 1g per km. It was confirmed during the hearing that the vehicle had a Co2 emission rate of 109g/km and the 0.267g/km figure referred to Co (Carbon Monoxide, rather than Carbon Dioxide).
- SA said that the majority of the offences listed in the report were recorded when he was off-duty or not licenced. SA said that he removes IDs from the exterior of the vehicle to prevent them from being stolen when he is off-duty. The smoking offences were committed when SA was not working, as he used his licenced vehicle for personal use. Officers told SA that a licenced vehicle is subject to regulations for the duration of the licence period. SA said he now understood that it was an offence at any time and said that he intended to purchase another car for private use and keep the licenced vehicle purely for business.
- SA said that he has not received a complaint from the public about his conduct throughout many years of working as a taxi driver.

After questioning from the committee, the following information was confirmed:

- SA said that not completing the previous conviction section of the application was a mistake and he was also not sure whether to complete a grant or renewal form.
- SA appealed unsuccessfully against the revocation of his licence in 2012. He applied for a new HCD licence which was granted in 2013. The appeal process did not overturn the original plying for hire conviction in 2011, which should still be declared. SA admitted that he should have declared this conviction and apologised for the error.
- There was another discussion about car emissions and it was confirmed that SA was talking about carbon monoxide, not carbon dioxide. While the car was previously permitted to be licensed due to "grandfather rights" these no longer applied and the vehicle does not meet the requirements of the policy.
- It was clarified that the revocation of SA's previous licence still stands as the Court dismissed his appeal. This is therefore a new application. SA said that he sought exemption from the gold standard and knowledge tests.

The Committee withdrew to deliberate on their decision.

RESOLVED (unanimous decision) Hackney Carriage Vehicle Licence (HCVL) application is refused. Hackney Carriage Driver Licence (HCDL) application is granted.



The vehicle subject to SA application has a CO₂ emission of 109 g/km and therefore does not meet the policy criteria and the Members were not satisfied that there was any justification for departing from the policy. SA stated that the CO₂ emissions were 0.267 (g/km or g/kWh) however the registration certificate clearly shows that the figure 0.267 refers to CO (carbon monoxide) emissions which is different from CO₂ (carbon dioxide) emissions.

In regards to the HCDL, this is granted subject to SA undertaking the steps set out in section 25 of the papers, that is:

- a. Gold Standard training
- b. Knowledge test
- c. An enhanced Disclosure and Barring Service Check.
- d. Medical examination report
- e. Licence fee

The committee emphasised that the granting of the HCDL was lenient, and SA's offences would normally result in an off the road period of two years rather than six months. Any future offences on SA's part will result in a referral to this committee and SA must take care to read and abide by all the conditions set out in the licensing documentation.

10 MI - an application for the renewal of a Private Hire Driver (PHD) licence seeking departure from Council policy

The driver (MI) was in attendance.

The Senior Licencing Officer introduced the report and drew attention to the following:

- This is an application for renewal of a Private Hire Driver's Licence. The health report at renewal shows that MI has angina and had an attack in 24 February 2020. The policy on angina patients is that a licence will be refused or revoked if symptoms continue however, an application may be re-licensed/licenced if there are no incidents within 6 weeks and the requirements for exercise or other functional tests can be met. Applicants must complete the 'Bruce Protocol' or other functional test. The Bruce Protocol involves a 9 minute run on the treadmill. MI was only able to complete 6 minutes, which does not meet the requirements.
- A cardiologist has stated that MI may benefit from an alternative test such as a stress echocardiography. The satisfactory results of a stress echocardiography would be a suitable alternative to the Bruce Protocol in order to confirm MI meets the Group 2 criteria with regards to exercise testing
- A heart scan has shown several abnormalities that will need further investigation.
- While officers recommend refusal on health grounds it is also possible for the committee to defer this decision until more medical evidence has been submitted.
- MI is currently unlicensed.



The applicant gave the following evidence:

- MI said that although the first test he undertook in March said he was not fit to drive, a second doctor's report from July (and sent to the council office) said he would meet fitness standards.
- MI said the treadmill test was delivered in 3 sets of 3 minutes, with the speed increasing each time. MI was unable to complete the third stage and said that it would be challenging even for a fit individual.

After questioning from the committee, the following information was confirmed:

- The treadmill test was delivered in August, so supersedes the doctor's report of July in terms of fitness to drive. There have been previous cases where doctors have signed off health declarations that do not meet the group 2 requirements.
- Possible alternative fitness tests were discussed, but both officers and committee members stressed that they were not medical professionals and the appropriateness of a given test should be determined by a doctor/medical professional.

The Committee withdrew to deliberate on their decision.

RESOLVED (unanimous decision)

That this decision be deferred for a period of three months to allow MI to submit further medical evidence that would qualify him as fit to hold a PHD licence. MI should contact his GP regarding his heart abnormalities and an appropriate fitness test. Licensing Officers are able to assist if required by liaising with his GP.

Meeting ended at 2.30 pm

CHAIR _____



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

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