

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



18 January 2022 at 10.00 am

Members Present:-

Councillors: Guy Poultney (Chair), Katja Hornchen and Jonathan Hucker

Officers in Attendance:-

Ashley Clark (Legal Advisor) and Carl Knights (Licensing Policy Advisor) and Jeremy Livitt (Democratic Services Officer)

Report Presenting Officers: Wayne Jones - Neighbourhood Enforcement Officer (Agenda Item 8), Graham Lange - Licensing Officer (Agenda Items 9, 10, 11 and 13), Carl Knights – Senior Licensing Officer (Agenda Item 14)

Observers: Carl Knights (Agenda Items 1 to 13), Amrozia Faisal (All Agenda Items)

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 Barry Parsons.

3. Declarations of Interest

There were no Declarations of Interest.

4. Minutes of the Previous Meeting held on Tuesday 16th November 2021

RESOLVED – that the minutes of the above meeting be confirmed 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. KA - Report to determine whether action should be taken against the holder of a Hackney Carriage Licence and a Hackney Carriage Vehicle Licence

PC Patrick Quinton (Avon and Somerset Police) attended for this item.

The Sub-Committee considered whether action should be taken against KA, the holder of a Hackney Carriage Driver Licence and Hackney Carriage Vehicle Licence.

Wayne Jones, Neighbourhood Enforcement Officer, introduced this report and made the following key points:

- KA was granted a hackney carriage drivers' licence in April 2006. His current HCD licence is due to expire on 22nd June 2022 and his HCV licence on 28th July 2022
- The Neighbourhood Enforcement Team received a statement from PC Quinton, Taxi Compliance Officer, on 14 October 2021 in reference to KA failing to use the meter, overcharging and subsequent Section 50 issues on 19th September 2021 at 22:42 Hours
- Attention was drawn to PC Quinton's statement which stated that whilst conducting static road checks following on from Tokyo World festival, he had cause to stop a Bristol City Council licensed hackney carriage vehicle due to a possible faulty roof sign. When asked if there was a problem with the meter, KA stated that the passengers had requested a destination, then changed their minds to go to motion nightclub. In addition, four passengers wanted to go to Motion nightclub and were quoted a price of £25. They confirmed they had not spoken of any other destination. As it was busy, PC Quinton had informed KA that the matter would be discussed at another time and KA then left the area.



A copy of the above incident had been recorded by PC Quinton and was shown to the Sub-Committee.

- At a pre-arranged inspection at Sandy Park on 13th October 2021, the following issues were identified – (i) Failing to display interior (side) plates
(ii) There were no restraining belts to secure wheelchairs – KS explained that they had accidentally been left at home as he was cleaning the vehicle out ready for inspection and a photo of the corrected issue was sent the next day (iii) Failing to produce a Certificate of Insurance which was rectified the next day (iv) A badge not clearly displayed which was immediately moved to a better location (v) Damage to a rear bumper not reported to the Licensing Authority
- Whilst there were no existing endorsements on KA's existing licence, it was noted that there were two previous endorsements as follows:

(i) Sunday 25th October 2009 at 02:40hrs, allegation of refusal of fare from a taxi rank. KA was interviewed following on from the complaint and advice given

(ii) 19 October 2020, official warning for failing to display rear plates correctly
On questioning, PC Patrick Quinton confirmed that failure to display name plates was not that unusual as was a failure to report damage. Whilst a failure to include restraining belts for wheelchairs was extremely unusual, the driver had explained that this was taken out while the vehicle was being cleaned. It was, however, very rare not to have vehicle insurance, although this was rectified soon after.

KA made the following points to the Sub-Committee:

- If there had been CCTV in his car it would have shown they he gave them a price based on a journey to Keynsham and when they reached the Eastgate roundabout they said they just wanted to go to Motion Night Club. Therefore, just prior to being stopped by PC Patrick Quinton, he had switched on the meter
- When he stopped to pick up a fare from Tokyo World, he advised the occupants it would cost them £25 as they wanted to go to Keynsham via Hicksgate. It was very noisy and people were drunk in the car. When he got to the Eastgate roundabout, they said they wanted to go to Motion Night Club and at that point he put on his meter
- He still had not received the side plates which PC Quinton had advised him that he would receive side plates. In response, PC Quinton confirmed that he did not send outside plates and pointed out that the Hackney Carriage Plate number could not be identified from outside
- There were cans containing alcohol dropped everywhere in the vehicle. Although it isn't allowed, passengers frequently hid them. All open cans in the vehicle were dumped by the passengers at the time of the incident



The Sub-Committee noted that it was a relatively short distance between the Taxi Rank and the Eastgate roundabout. The Licensing Policy Adviser confirmed that it was policy to ensure that only the meter is switched on at all times for any fare in Bristol.

The Chair asked all parties to withdraw from the hearing whilst they made their deliberations. Upon their return, the following decision was announced:

Decision

Members of the committee considered the report presented by the Neighbourhood Enforcement Team, the testimony from PC Quinton and the driver's statement from the driver. In coming to their decision members had regard to the Town Police Clauses Act, as well as their own policy.

You have stated that you had agreed a £25 fare for a journey from Eastville Park to Keynsham via Motion. CCTV footage shown by PC Quinton shows that the passengers stated they had agreed a £25 fare to Motion Night Club. On the balance of probabilities members felt that in all likelihood the £25 fare was agreed to Motion.

Our taxi byelaws state that "The driver of a hackney carriage shall as soon as the carriage is hired by distance, and before commencing the journey, bring the machinery of the taximeter into action", you did not have your meter on and were in breach of this, in addition to this charging more than the metered fare is an offence under the Town Police Clauses Act.

RESOLVED (unanimously) – that your Hackney Carriage Driver Licence and Hackney Carriage Vehicle Licence are suspended for a period of six months.

9. NA - Application for the Renewal of a Private Hire Vehicle Licence Seeking Departure from Bristol City Council

NA did not attend for this hearing and, with his agreement, it was deferred until a future Sub-Committee meeting.

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

The Sub-Committee considered an application by FA to renew a Private Hire Driver Licence.

Graham Lange, Licensing Officer, presented this report and made the following comments:

- On the 16 September 2021 FA applied to renew his PHD licence. His licence expired on 24 August 2021. He has held a PHD licence since 22 April 2004



- The following endorsement was listed on his licence - Date of offence 27 September 2020, Date of conviction 30 April 2021, Offence IN10 Using a vehicle uninsured against third party risks, Penalty Points 6
- The following additional historic endorsements on the licence were also noted –
 - (i) Date of offence 30 September 2012, Date of conviction 02 May 2013
Offence SP50 Exceeding speed limit on the motorway, Penalty Points 4, Fine £265.00
 - (ii) Date of offence 25 September 2003, Date of conviction 23 October 2003, Offence MW10
Contravention of special roads regulations
(Excluding speed limits), Penalty Points 3, Fine £55.00
 - (iii) Date of offence 30 June 2003, Date of conviction 30 October 2003,
Offence TS10 Failing to comply with traffic light signals, Penalty Points 3, Fine £30.00

FA made the following comments in relation to this application and in relation to questions from the Sub-Committee:

- The 2020 offence of driving without insurance had taken place while using the vehicle privately not whilst undertaking his work
- Normally every year the insurance company sends me a letter concerning my renewal of insurance. However, they never sent me any letter as this was during lockdown. Instead, they had sent an e-mail which he did not see and he believed was insured. Next year he renewed it himself to avoid this problem. He was not aware until sometime later that he needed to declare that there had been a period when he had no insurance
- FA had been driving for a period of approximately 1 month without insurance before he became aware of this
- FA cannot confirm whether or not he declared this offence within 24 hours as he had no records of this
- This problem had only occurred due to lockdown and would not take place again

All parties then withdrew from the meeting at the request of the Chair to allow the Sub-Committee to make its deliberations. Upon their return, the following decision was announced:

Decision:

Members have carefully considered everything said by the applicant and the licensing officer.

Driving without insurance is a serious driving offence especially for a professional driver such as yourself.

Members were also concerned that you failed to declare this conviction to the Council as is required by your licence conditions. You have held a licence since 2004 and should therefore be aware of your duty to notify.



RESOLVED (unanimously) – that your application for a licence is therefore refused.

(Whilst further Committees cannot be bound by anything said today, I would advise that you do not apply again for a period of 6 months.)

11. JSM - Application for the Grant of a Hackney Carriage Vehicle Licence Seeking Departure from Bristol City Council Policy

The Sub-Committee considered an application by JSM for the grant of a Hackney Carriage Vehicle (HCV) licence seeking departure from Council policy.

Graham Lange, Licensing Officer, introduced this report and made the following points:

- On 26 November 2021 Mr Mohamed submitted a grant renewal form in respect of his vehicle
- The vehicle previously held an HCV licence which expired on 04 January 2021
- The vehicle was first registered on 08 June 2018 and first licenced as a Hackney Carriage Vehicle on 05 July 2018
- The vehicle is fitted with a diesel engine
- JSM has requested an exemption to policy in respect of a new Hackney Vehicle application due to being out of the country from October 2020 until October 2021. Members' attention was drawn to an appendix in the report which set out the time period and reasons for being outside the UK during the period that the renewal was required
- It was noted that the application to renew had been made more than 10 months after expiry.
- It was also noted that all applicants must provide certificate of good character if coming from abroad and none had been provided from Somalia which was the country in question for this application

JSM made the following points:

- He explained that he had been driving a taxi for more than 7 years
- His mum who lived in Somalia seemed sick. Whilst he initially thought he would not need to travel back to Somalia to help her, it became clear that he needed to do so as her illness could be COVID-19 related
- He had a ticket to return in December 2020 but had to stay in Somalia longer than anticipated as his Mum was still unwell.
- His mother had died in March 2021 and, due to travel restrictions, he was unable to get back to the UK for another 2/3 months.
- Before 2018, JSM had a diesel taxi. He did not have the money to change this for a euro taxi as the car was only two years old at the time.
- JSM had explained the situation to Bristol City Council and that this is why it was longer than 10 months until I reapplied.



- JSM had not been working in December 2021 and was not currently working which was causing financial problems

In response to questions from the Sub-Committee, JSM made the following points:

- He had fingerprints taken by the Avon and Somerset Police who had sent them to Somalia. Following this, he had obtained a certificate of good character which he produced for the Sub-Committee. The Licensing Policy Adviser confirmed that this seemed correct but would be subject to a background check
- Whilst there were opportunities to make an online application in Somalia, he has faced a very difficult situation there as his mother was unwell and the security situation was poor due to the number of deaths that were taking place.
- The mileage on the vehicle was just under 30 miles and that, since it was a Euro 6, it had a clean air facility

In response to questions from the Sub-Committee, the Licensing Policy Adviser confirmed that the issue of any exemption from the clean air change was a separate matter from the application.

The Chair requested that all parties to withdraw from the hearing to allow the Sub-Committee to make its decision. Upon their return, the following decision was announced:

RESOLVED (unanimously) – that the request for an exemption from Bristol City Council policy be allowed for the grant of a Hackney Carriage Vehicle (HCV) licence.

12. JS - Report of an Application for the Renewal of a Private Hire Driver Licence

The Sub-Committee considered a report by JS to seek consideration of an application to renew a Private Hire Driver (PHD) Licence.

Graham Lange, Licensing Officer, introduced this report and made the following points:

- On the 01 November 2021 JS applied to renew his PHD licence which had expired on 07 November 2021. He has held a PHD licence since 16 April 2004
- A search was carried out on JS' DVLA licence which revealed the following endorsement - date of offence 21 May 2020, date of conviction 03 December 2020, Offence MS90 – Failure to give information as to identity of driver Penalty Points 6
- Upon renewal on 01 November 2021, JS falsely declared that he has not been convicted or received a caution, reprimand or warning for any offence(including criminal, benefit fraud and driving offences)
- On the renewal submitted on 26 October 2020, JS stated that he had not received a criminal or driving conviction, caution or reprimand during the



licensable period up to 07 November 2020. The DVLA check carried out on 18 November 2020 did not list the offence from 21 May 2020

- Whilst conditions on JS' PHD licence state that declarations are made to the Council in writing by the next working day following a conviction of a motoring offence or the imposition of any penalty points upon the DVLA licence held by the licensee. No such notification was received from JS informing the Council of the offence, conviction and the points imposed.
- A check of the Council's records reveals the following historic offences on JS' record
 - (i) Date of offence 07 August 2017, Date of Expiry 07 August 2020, Offence TS10 Failing to comply with traffic light signals, Penalty Points 3
 - (ii) Date of offence 01 May 2016, Date of Expiry 01 May 2019, Offence TS10 Failing to comply with traffic light signals, Penalty Points 3
 - (iii) Date of offence 11 February 2012, Date of Conviction 03 September 2012, Offence SP 30 Exceeding statutory speed limit on a public Road, Penalty Points 3
 - (iv) Date of offence 27 November 2009, offence TS50 Failing to comply with traffic sign (excluding 'stop' signs, traffic lights or double white lines, Penalty Points 3
 - (v) Date of offence 19 May 2008, Offence PC20 Contravention of pedestrian crossing regulations with moving vehicle, Penalty Points 3

JS made the following points in relation to this case:

- He explained that he had been flashed by a speed camera going down the M5 but had not received the documents for this in January 2021
- He confirmed that his licence had been held since 1997 not 2004 and had never jeopardised anyone's safety or public liability.
- The suggestion that he had failed to declare any offence in 2017 was not credible as it would not have affected his application since it was his only offence at the time. He believed it had been handed in to a member of the Licensing Team and that the error lay with them. However, he acknowledged that his records did not go back that far to confirm this. He stated that it was disappointing that this problem was being identified several years later
- JS stated that he had not received any warning letter in 2019. If he had, he would simply have acknowledged the offence and paid the penalty.
- He referred to the difficulties he had faced, including his father and father's brother both dying, as well as his wife and daughter being affected. If he had forgotten, it was certainly not deliberate
- Like many other taxi drivers, he had been badly affected by the pandemic and would find any refusal of his application extremely financially difficult
- JS also explained that he had hypertension and diabetes and would be badly affected if his application was refused

In responding to questions by Sub-Committee members, JS made the following points:



- He had only received the notification about conviction in January 2021 and the loss of 6 points. Since courts were not operating at that time, he had only been advised by a phone call
- He explained that when he put in an appeal, everything had been put on hold and assumed this referred to everything including declaration of the offences. He was not aware of the process and did not realise he needed to advise the Licensing Team until the court hearing had taken place. The Licensing Policy Adviser confirmed that it was a requirement for anyone holding a licence to report any offence within 24 hours
- In relation to 2019 incident at Kingsdown Parade, he explained that it had taken a long time to get the relevant information as part of the DBS check (Disclosure and Barring Service)

The Chair of the Sub-Committee requested that all parties withdraw from the meeting to allow the Sub-Committee to make its deliberations on this case. Upon their return, the following decision was announced:

Decision

Members have carefully considered all the information provided together with the Council's policy.

Members noted that the most recent conviction in respect of the failure to identify driver, had not been declared to the Council the following day in line with the conditions on your licence. This is despite having been a licenced driver for 25 years and having previously been given a warning letter reminding you of your duty to notify the council after you previously failed to do so.

Whilst you have indicated an intention to sign a statutory declaration , this has not been done and the conviction therefore currently stands.

In addition, you declared that you had no convictions or motoring offences on your application form which was a false declaration.

Members had concerns that you indicated that speeding offences and breaching traffic lights did not pose a risk to the public.

The Sub-Committee therefore do not find you to be a fit and proper person to hold a licence and therefore your application is refused.

RESOLVED (unanimously) – that the Sub-Committee does not find JS to be a fit and proper person to hold a licence and therefore refuses this application.



13. KS - Report of an Application for the Grant of a Private Hire Driver Licence

The Sub-Committee heard an application by KS concerning a report for the grant of a Private Hire Driver Licence. The hearing took place in the absence of KS.

Carl Knights, Senior Licensing Officer, introduced this report and made the following points:

- KS applied for the grant of a new Private Hire Driver Licence on 06 January 2016. A Disclosure and Barring Service Certificate was submitted on 08 June 2016 which did not reveal any relevant convictions.
- However, subsequent information received by the Licensing Department in 2019 from Avon and Somerset Police indicated that KS was under investigation. Further information provided to the Council in July 2021 revealed that after this investigation, KS was charged with and convicted of a number of offences relating to possession of explicit images and videos of minors.
- In March 2021, following an investigation, KS was charged with the following offences:
 - Possession of 3 x Category A Videos
 - Making of 1 x Category B Video
 - Possession of 1 x Category C Video
 - Distribution of 1 x Category A Video
 - Possession of 6 x Extreme Pornography Videos.
- On 14 May 2021 KS appeared at Bristol Magistrates Court and pleaded guilty to the above offences and on the 15 June 2021 Mr Singh was sentenced at Bristol Crown Court to the following
 - 12 Months Custody suspended over 2 years
 - SHPO (Sexual Harm Prevention Order) for 5 years
 - Notification requirement for 5 years
 - 200 hours unpaid work requirement to be completed within 12 months
 - 40 RAR (Rehabilitation Activity Requirement) days.
 - Costs Order
 - Forfeiture and destruction of phone.

In the absence of KS, the Sub-Committee were unable to ask any questions in relation to this case.

The Chair asked CK to withdraw from the hearing to allow the Sub-Committee to make its deliberations and upon his return gave the following decision:

Decision

The Sub-Committee finds that KS not a fit and proper person to hold a PHD licence.

RESOLVED (unanimously) – that KS is not a fit and proper person to hold a PHD licence.



14. Date of Next Meeting

The next meeting is scheduled for 10am on Tuesday 8th March 2022.

The meeting ended at 3.40 pm

CHAIR _____

