

Bristol City Council

Minutes of the Public Safety and Protection Sub-Committee A

1 April 2019 at 10.00 am



Members Present:- Councillor Christopher Davies, Councillor Richard Eddy (Chair) and Councillor Mike Langley

Also in attendance:- Ashley Clark – Legal Advisor, Sarah Flower – Licensing Officer
Corrina Haskins – Democratic Services, Wayne Jones – Neighbourhood Enforcement Officer
(for items 10, 11, 12 & 13) and PC Patrick Quinton – Taxi Cop (for items 11, 12, 13 & 14)

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Estella Tincknell. It was noted that Councillor Sultan Khan was no longer a member of PSP Committee having resigned from the Labour Group.

2. DECLARATION OF INTEREST

There were no declarations of interest.

3. PUBLIC FORUM

There was no public forum.

4. SUSPENSION OF COMMITTEE PROCEDURE RULES CMR10 AND CMR11 RELATING TO THE MOVING OF MOTIONS AND RULES OF DEBATE

RESOLVED – 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.

5. EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED - 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.



6. TO CONSIDER AN APPLICATION FOR THE GRANT OF A PRIVATE HIRE VEHICLE LICENCE SEEKING EXEMPTION FROM COUNCIL POLICY MI (AGENDA ITEM 7)

The Applicant was in attendance.

The Licensing Officer outlined the background to the application as follows:

- This was an application for the grant of a Private Hire Vehicle seeking exemption from Council Policy to allow a diesel vehicle to be licenced;
- The Licence had expired in March 2018 and the Applicant had not sought to renew the Licence immediately as he was unable to work following the death of his mother;
- He had brought his vehicle to allow Members to view it if necessary;
- It was recommended that the application be refused in accordance with Council Policy.

The Applicant made the following points in support of his application:

- He had undergone a bad period in his life following the illness and subsequent death of his mother which had left him feeling suicidal;
- During this time he was unable to think about renewing his Licence as he was not in a fit state to work;
- He had sought medical help and was now in a position to move forward and had reapplied for his Licence;
- He had not been aware that Council Policy had changed in the meantime in relation to the licensing of diesel vehicles;
- If he had not taken time off work following the death of his mother and had renewed his Licence as soon as it had expired, he would not be in breach of the Council Policy.

In response to questioning, the Applicant confirmed:

- He had taken prescription drugs and not recreational drugs, but was no longer on medication;
- He could not afford to buy another vehicle and he was paying for his existing vehicle on finance.

The Licensing Officer clarified that the office had information that a full payment had been made for the vehicle in question.

At this point in the meeting, the Applicant and the Licensing Officer withdrew while the Committee considered the application and subsequently returned to hear the decision.

RESOLVED – that the application for the grant of a private hire vehicle licence seeking exemption from council policy in relation to diesel vehicles be REFUSED for the following reason:



Although the Committee had sympathy for the Applicant's situation, it did not consider that his case constituted exceptional circumstances to depart from Council Policy and to do so would set a precedent for other applications.

7. TO CONSIDER AN APPLICATION FOR THE GRANT OF A PRIVATE HIRE DRIVER LICENCE IYAM (AGENDA ITEM 8)

The Applicant was in attendance.

The Licensing Officer outlined the background to the application as follows:

- The application was seeking the grant of a Private Hire Driver Licence and had been received on 8 February 2019;
- The Applicant had received a police caution for "soliciting another for the purpose of obtaining their sexual service as a prostitute in the street" in July 2013;
- A previous application had been considered, and refused, by Committee on 8 January 2019;
- The officers were recommending refusal in accordance with Council Policy.

In response to a question, AC confirmed that the timescale after which the Council would consider an application following a sexual offence was following a period of 5-15 years free from conviction, depending on the seriousness of the offence.

The Applicant made the following points in support of his application:

- He had committed a crime, but it was a mistake and he had learnt from the incident;
- He asked the Committee to give him another chance by granting him a licence.

At this point in the meeting, the Applicant and the Licensing Officer withdrew while the Committee considered the application and subsequently returned to hear the decision.

RESOLVED – that the application be REFUSED in that, in accordance with section 51 of the Local Government (Miscellaneous Provisions) Act 1976, the Committee was not satisfied that the applicant was a fit and proper person to hold such a licence for the following reason:

As a result of the offence of a serious sexual nature the Committee could not be satisfied that the applicant was a fit and proper person to hold a PHD's licence. A period of 5 – 15 years free of offending conduct was usually required before an applicant can be regarded as suitable and although 5½ years had gone past, the Committee did not feel that it was the right time to grant a Licence.

8. TO SEEK CONSIDERATION OF AN APPLICATION FOR THE GRANT OF A PRIVATE HIRE DRIVER (PHD) LICENCE: SHOM (AGENDA ITEM 9)



The Applicant was not in attendance. The Committee noted that this was the second time that he had not attended, the first occasion being 19th February 2019, and so agreed to consider his application in his absence.

The Licensing Officer outlined the background to the application as follows:

- The Applicant had first held a Licence in 2005 until 2014 and had received a police caution for theft in 2013 after which he had not immediately reapplied for a Licence;
- He was now reapplying for a Licence and seeking exemption from Council Policy in relation to undertaking the Knowledge Test;
- If the Committee were minded to grant the application for the exemption he would be required to complete the following fit and proper person checks prior to a licence being issued;
 - (i) Group 2 medical examination report;
 - (ii) Enhanced Disclosure and Barring Service (DBS) Check;
 - (iii) Gold Standard Course;
 - (iv) DVLA Mandate and single use DVLA check code;
 - (v) Right to Licence check
- Officers recommended that the application be refused in accordance with Council Policy.

In response to questioning, it was clarified that the Applicant could still work for UBER with his London Licence.

The Legal Advisor informed the Committee that the police caution for theft had taken place in 2013 and was therefore out of time in accordance with the Council Policy and that Members could only consider the application for exemption from the Knowledge Test.

At this point in the meeting the Licensing Officer withdrew while the Committee considered the application and subsequently returned to hear the decision.

RESOLVED – that the application for a Private Hire Licence seeking an exemption from the knowledge test be refused for the following reason:

The Committee did not consider that the Applicant's case constituted exceptional circumstances to be exempt from undertaking the Knowledge Test and depart from Council Policy and to do so would set a precedent for other applications.

9. TO CONSIDER ALLOWING ALTERATIONS FOR LED LIGHTS ON A LICENSED HACKNEY CARRIAGE VEHICLE NH (AGENDA ITEM 10)

The Applicant and his representative (Chair of Bristol Blue Licence Taxi Association BBLTA) were in attendance.

The Committee viewed the vehicle in advance of considering the application.



The Neighbourhood Enforcement Officer outlined the background to the application as follows:

- The Committee were asked to consider whether to allow alterations for LED lights for the Hackney Carriage Vehicle;
- The vehicle had been licensed in 2016;
- The vehicle had been witnessed on two occasions with the LED lights in use and an investigation took place as the alterations had not been approved by Council;
- The conditions of the licence state that alterations to the vehicle should be reported to the Council by the next working day;
- PC Quinton had confirmed that the vehicle was road legal;
- In terms of the costs involved, the lights were attached to bars that were easy to fit and remove;
- Officers had decided to refer consideration to the Committee as it was unclear if the lights were included in category in Council Policy which referred to “mechanical or bodywork alterations” and to agree the lights could set a precedent.

In response to questioning, the Neighbourhood Enforcement Officer confirmed that the lights were not considered to be a hazard in terms of highway safety.

The Applicant made the following points in support of his application:

- He had purchased the lights after admiring taxis in Weston-super-Mare displaying similar lights;
- He liked to use them during the Christmas period;
- He confirmed that the lights did not flash.

The Chair of BBLTA spoke in support of the applicant:

- As a trade, BBLTA worked closely with the Council and advised drivers to adhere to Council policies;
- The Applicant did not realise that he needed the permission of the Council and confirmed that he would remove the lights if the Committee requested him to do so;
- He asked the Committee to consider allowing the applicant to keep using the lights.

At this point in the meeting, the Applicant and the Licensing Officer withdrew while the Committee considered the application and subsequently returned to hear the decision.

RESOLVED – that the alterations to allow LED lights on the licensed Hackney Carriage Vehicle application be approved, subject to the following:

- That the lights are fixed and will not be used as flashing lights;
- That the lights are displayed only on the sides and front of the vehicle;



- That, in the event of one side not working, all the lights be turned off in the interest of highway safety.

10. TO CONSIDER AN APPLICATION TO RENEW A PRIVATE HIRE DRIVER LICENCE IM (AGENDA ITEM 11)

The Applicant was in attendance and stated that he had requested that an interpreter be present.

It was agreed that the item be adjourned until the next PSP Sub-Committee on 16 April 2019 to allow an interpreter to be present.

RESOLVED – that the application be adjourned until 16 April 2019 to allow an interpreter to be present.

11. TO CONSIDER IF A PRIVATE HIRE DRIVER (PHD) IS A FIT AND PROPER PERSON TO HOLD A LICENCE MR (AGENDA ITEM 12)

The Licence Holder and his friend were in attendance.

PC Quinton was also in attendance for this item.

The Neighbourhood Enforcement Officer outlined the background to the case as follows:

- The Committee was asked to consider if a Private Hire Driver was a fit and proper person following PC Quinton's report on the Licence Holder plying for hire;
- The License Holder had been licensed since 2006;
- PC Quinton had reported that:
 - the Licence Holder was seen talking to a woman while in stationary traffic outside the Stag and Hounds Public House;
 - he had witnessed the woman get into his vehicle;
 - he followed the vehicle and questioned the driver and passenger;
 - the passenger had confirmed that she had not booked the taxi; she had approached it when it was stuck in traffic and the driver had agreed to take her to St Andrews Park for £10;
 - the driver had said that he had taken the passenger as she was in the middle of the road and it was his intention to take her to AA Taxis where she could organise a taxi home;
 - PC Quinton questioned the accuracy of the drivers account.
- The Licence Holder had previous history of plying for hire in 2012 where he was fined at Magistrate's Court;
- He had also attended the PSP Committee in 2012 where he had received a 2 month suspension.



PC Quinton confirmed that he did have evidence from the body camera and that although he didn't think the incident was sufficient to consider a prosecution, he did want to bring it to the Committee for consideration.

The Committee watched the first part of the body camera evidence, but due to technical difficulties were unable to watch the whole of the film.

The Licence Holder made the following points in support of his application:

- He had been a Private Hire Driver since 2006;
- He had a wife and 4 children who were dependent on him;
- He was a responsible member of the community and had held the post of Vice-President of the Bangladesh Association;
- He accepted that the passenger had flagged him down, but stated that she was aggressive and he was concerned that she may damage his car if he did not let her in;
- He had agreed to take her to the nearest taxi office where she could get a taxi home and it was not his intention to take her home;
- The passenger had a poor level of English and may have mistaken his intentions;
- He had not intended to pick her up and he had not taken any money;
- He had taken his badge off following a break and had forgotten to put it back on;
- He circulated two letters in support of his character.

In response to questioning, PC Quinton confirmed that the passenger was not aggressive and that although English was not her first language, she did seem to understand what was happening.

At this point in the meeting, the Licence Holder, his friend, PC Quinton and the Neighbourhood Enforcement Officer withdrew while the Committee considered the application and subsequently returned to hear the decision.

RESOLVED - that, in accordance with the Section 61 of the Local Government (Miscellaneous Provisions) Act 1976, the Private Hire Driver Licence be suspended for 6 months for the following reasons:

1. The Committee believe that the Licence Holder was plying for hire;
2. The Licence Holder had failed to display his PHD Identification, which was in breach of the terms of his Licence.

12. TO DETERMINE IF ACTION IS NECESSARY AGAINST A PRIVATE HIRE DRIVER LICENCE AND THE TWO PRIVATE HIRE VEHICLE LICENSES SKM (AGENDA ITEM 13)

The Licence Holder and his sister were in attendance.

The Neighbourhood Enforcement Officer outlined the background to the case as follows:

- The Licence Holder had held a licence since 2014;



- PC Quinton had stopped the driver at Bristol Temple Meads to question him about not wearing a seatbelt;
- The Licence Holder had refused to provide PC Quinton with his Driver's Licence; Certificate of Insurance, date of birth (an offence under s164
- Road Traffic Act 1988) and address;
- In 2018, a complaint had been received about the Licence Holder's front plate being incorrectly displayed;
- PC Quinton had asked to inspect the vehicle for inspection and the Licence Holder had informed him that the vehicle had been damaged in an accident, but the Council had not been notified which was a breach of the conditions of the Licence.

In response to a question, it was confirmed that PC Quinton had run a check on the PHD and confirmed that his documentation was in order.

PC Quinton confirmed the details of his report and stated that prosecution action was not taken as it was not in the public interest to do so, but the driver had received a penalty notice for not wearing a seatbelt.

The Licence Holder's sister made the following points in support of his application:

- He had driven into Temple Meads to drop off a passenger and had helped them take the luggage out of the vehicle;
- He had been pulled over by PC Quinton about not wearing a seatbelt, but it was his understanding, on reading the Government website, that licensed taxi drivers did not have to wear a seatbelt;
- The advice on the Government website was confusing and it was understandable that he had concluded that he didn't need to wear a seatbelt based on this advice;
- He had tried to explain this to PC Quinton, who informed him that this was not correct and had asked to see his documents;
- He didn't have documents in the vehicle as many of them were in electronic form;
- PC Quinton had taken the keys out of the ignition;
- He did not refuse to cooperate he just didn't have the information available at the time;
- In relation to his previous history: he had displayed his plates in the window as he had previously had a problem with someone stealing them;
- She was concerned about the email/photograph and how personal information was being used by Bristol City Council;
- He had been happy for his vehicle to be inspected, but the vehicle was subsequently involved in an accident;
- He didn't know that the accident had to be reported to the Council within 24 hours and he had complied once he did know.
- She confirmed that he was sorry for the incident, and he was of good character and not a threat to the public;



- Given more time she would have been able to provide character references to support her brother;
- Her brother was involved in an incident with police officers 8 years ago which had left him feeling mistrustful of police officers which explained his lack of compliance on this occasion.

In response to questioning, PC Quinton confirmed:

- That it was normal practice for drivers to display their documents on a phone rather than provide a hard copy;
- That he had removed the keys from the vehicle until he had clarified that the driver had insurance.

In response to questioning, the Neighbourhood Enforcement Officer confirmed that the email/photograph had been provided by an off duty licensing officer;

The committee were shown body camera evidence of the start of the incident.

At this point in the meeting, the Licence Holder, his sister, PC Quinton and the Neighbourhood Enforcement Officer withdrew while the Committee considered the application and subsequently returned to hear the decision.

RESOLVED – that no action be taken in relation to the Private Hire Driver on this occasion but that the Licence Holder be given a heavy warning and be advised in future to comply with officers and to read the conditions of his licence and be advised that if he were to come to the attention of the Committee in future, he may not be considered so leniently.

13. TO CONSIDER AN APPLICATION FOR THE GRANT OF A HACKNEY CARRIAGE DRIVER LICENCE SEEKING DEPARTURE FROM COUNCIL POLICY AW (AGENDA ITEM 14)

The Applicant was in attendance.

PC Quinton was in attendance for this item.

The Licensing Officer outlined the background to the application as follows:

- The application was in relation to a Hackney Carriage Driver Licence seeking exemption from Council Policy
- The Licence had expired in 2017 and on reapplying, the applicant was seeking exemption from the Knowledge Test;
- The applicant had failed to comply with traffic signals on 2 occasions, although he had not held a licence at time of offences;
- The applicant had failed to declare these offences on reapplying for his licence;
- PC Quinton had reported an incident on 16 March 2018 when the HCD was parked in the taxi rank and a PCO had advised him that his licence plates had expired;



- The HCD had admitted driving his taxi following the expiration of his licence and claimed that he had not realised that it had expired.
- Officers were recommending that the exemption from the Knowledge Test be refused in accordance with Council Policy, but if the Committee were minded to approve, the applicant would need to complete:
 - (i) Group 2 medical examination report;
 - (ii) Enhanced Disclosure and Barring Service (DBS) Check;
 - (iii) Gold Standard Course.

PC Quinton confirmed that he had interviewed the HCD and found him to be cooperative. However, he would have been prosecuted for driving without insurance and it was only due to a mistake by the police that this wasn't pursued.

The Applicant made the following points in support of his application:

- He had tried on several occasions to renew his licence but kept getting conflicting advice at the Licensing Office;
- He had suffered a bereavement which led him to be distracted and he failed to notice his Licence had lapsed.

At this point in the meeting, the Applicant and the Licensing Officer withdrew while the Committee considered the application and subsequently returned to hear the decision.

RESOLVED

- (1) that the application for the grant of a Hackney Carriage Driver Licence be GRANTED subject to (2) below;
- (2) that the exemption seeking departure from Council Policy be REFUSED so that the applicant would need to undertake the Knowledge Test and the following other tests before the licence is granted:
 - (i) Group 2 medical examination report;
 - (ii) Enhanced Disclosure and Barring Service (DBS) Check;
 - (iii) Gold Standard Course.

The meeting ended at 15.18

