

# Bristol City Council

## Minutes of the Public Safety and Protection Sub-Committee B



9 June 2020 at 11.00 am

### **Members Present:-**

**Councillors:** Richard Eddy (Chair), Chris Davies and Fi Hance

### **Officers in Attendance:-**

Ashley Clark (Legal Advisor), Sarah Flower (Licensing Policy Advisor), Abigail Holman (Licensing Presenting Officer), Wayne Jones (NET Presenting Officer), Alison Wright (NET Presenting Officer) and Oliver Harrison (Democratic Services Officer)

## **1. Welcome and Safety Information**

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

## **2. Apologies for Absence**

Apologies were received from Cllr Carole Johnson

## **3. Declarations of Interest**

None received

## **4. Minutes of the Previous Meeting**

RESOLVED: the minutes of the previous meeting on 12 May 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**

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.

## **7. 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.

## **8. PSP Report GBP**

The applicants were in attendance.

The Licensing Officer introduced the report and drew attention to the following:

- There are medieval vaults underneath the site. Structure officers have supplied a map of the site. There are complex loading issues that mean the site is structurally unsound. Even if a heavy vehicle is not directly above a vault, there is a danger of diagonal loading putting pressure on a vault. These vaults are on the heritage list so need protecting.
- Any heavy vehicle or structure on this site presents a health and safety risk to owners and customers, up to and including death should a vault collapse.
- Structural officers are unable to attend the meeting but strongly recommend that the application be refused.

The applicants gave the following evidence:

- That the applicants' business was a top rated restaurant in the city and was very much a local business.
- There were delays in the application process caused by the confusing designation of the site and not being able to determine which part of the Council was responsible for it.
- The applicants proposed a new location for their food truck in light of the structural issues presented by the vaults, which is currently used by heavy vehicles to empty waste bins on the site.
- That the site is a main point of entrance to the city and has been dilapidated for a long time, and the proposal is an opportunity to regenerate the space.
- There are large developments around the site with commercial need.
- The applicants believe the site structure is more secure than BCC officers have stated and that the truck will be away from any areas of concern.
- Previous planning applications related to the 1962 Norwich Union building on the site would have been mindful of any structural issues related to the vaults and this building was still completed with considerable concrete reinforcement.



- The applicants supplied a presentation to the Committee which showed a proposed new location, access routes to the site, expected limit of the underground vaults and details of the Norwich Union construction.

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

- That there has been no consent for anything on this site for the past 10 years
- That the original intention was for the food truck to be at the site for 24 hours, but applicants were flexible about moving offsite at night.
- The site has a historical designation as a car/lorry park, but this has not been in practical effect for a very long time.
- That the policy on street trading states that it should not present a safety risk to the public.
- That the public safety issues present a considerable liability issue for the Council.
- That although the applicant has suggested a new location for their truck which may mitigate some safety issues, the Committee must make a decision based on the current application.
- That the food truck weighs 6 tons fully loaded with food and staff.
- One Member had been inside the vaults and believed them to be extensive and close to the surface.
- That if the Committee were to refuse the current application based on the site location, the applicant could consult with BCC structural and licensing officers before making another application.

The Committee withdrew to deliberate on their decision.

**RESOLVED (unanimous vote)**

After careful consideration and while the Committee has sympathy for the applicants and their proposal, the Committee voted unanimously to refuse the application as it currently stands on Health and Safety Grounds. The Committee recommended that the applicants submit an application after suitable consultation with the Council's Highways and Structural Officers.

## **9. PSP Report SB**

The driver was present at the meeting.

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

- SB has been a taxi driver since 2003 and the current licence expires in Jan 2023. The licensing office has received an email saying SB had received 3 points for a worn tyre. SB was renting the vehicle at the time. PC Quinton stopped the car for a check and found tyres worn and the taxi plates incorrectly displayed.
- SB has received no previous complaints or endorsements. BCC policy is that isolated incidents should not prevent application progress but will be taken into account and a licence should be clean for 6 months prior to grant.



Committee is asked whether to take action based on this offence and previous conduct.

The driver gave the following evidence:

- That he had plates previously attached to the vehicle, but the adhesive had failed meaning he had to order new plates. The boot of the vehicle is not metal so the plates cannot be attached with magnets as is usual.
- SB had not checked the tyres as regularly as he usually would because he had experienced a serious health issue.
- SB expressed remorse for the offence and stated his passion for his job and the regular work he does to assist vulnerable people, motivated by a serious illness he had experienced in his youth.

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

- That SB has been driving for 35 years, not 17 years as indicated in the report.
- That SB received 3 penalty points for all defective tyres, not per tyre
- SB has exemption from displaying ID plates when undergoing executive work, but that he was not on an executive job at the time of the offence.
- SB was displaying his rear ID plate in the vehicle window rather than attached to the exterior of the vehicle as expected.
- PC Quinton stated that at all times, SB had conducted himself in a contrite and professional manner.
- That SB would normally check his tyres whenever stopping for petrol, but was distracted by his health issues.

The Committee withdrew to deliberate on their decision.

**RESOLVED (unanimous vote)**

The Committee was impressed by SB's record of 35 years driving without incident prior to the offence and that he notified the Council immediately when he had incurred points on his licence. While the Committee accepts that SB was suffering from medical complications that impaired his judgement, driving with defective tyres presents a serious danger to the public. The Committee voted unanimously to take no further action on this occasion.

## **10 PSP Report SA**

The driver and his uncle were present at the meeting.

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

- PC Quinton stopped the vehicle in January 2020 concerned about ownership of vehicle and the state of the tyres. The tyres were found to be defective and SA was not displaying ID plates.



- SA currently has 9 points on his licence and has previously appeared at PSP Committee. At this committee he was warned to notify the Council immediately if he incurred any further points. However, SA failed to notify BCC of a speeding offence.
- SA is required to display plates unless he is performing executive work.
- According to PC Quinton's report, SA has shown no remorse for his actions.
- On March 30 2009, the Council received a complaint regarding SA's driving.

The NET Officer recommended that SA's licence be revoked.

The driver gave the following evidence:

- That once PC Quinton had inspected his tyres and found them defective, SA replaced them as soon as possible after attending Sandy Park for inspection.
- That when he was stopped by PCQ, SA was undertaking an executive job so was exempt from displaying ID plates.
- That SA was confused about the requirements to attend an inspection at Sandy Park and when he should have changed his tyres.

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

- SA asked why an offence from 10 years ago was being considered, the Committee confirmed that it could consider historical offences if it showed a pattern of offending behaviour.
- That SA was given 24 hours to replace the tyres after being stopped by PC Quinton, but SA reported for inspection at Sandy Park still running defective tyres and only changed them after this second inspection.
- SA was asked why he did not report his speeding offence to the council, SA said that he had forgotten.
- That SA is renting the vehicle and is not its owner, but is responsible for the safe maintenance of the vehicle as its driver.
- That SA has been summoned to court for these recent offences.
- SA stated that he was confused by the application form which meant that he did not declare offences.
- That SA attended PSP in 2018 for a speeding offence, then committed another speeding offence 2 months later.
- That the licence document and licence conditions both state the Council must be notified of any offences.
- That the tyres were very defective, with no tread in some areas.

The Committee withdrew to deliberate on their decision.

**RESOLVED (unanimous vote):**

The Committee was gravely concerned for public safety in respect of the 2 bald tyres on the private hire vehicle SA was driving. They also found that he had not learned from his previous referral to the PSP Committee in respect of reporting points on his licence. They found that he was not a fit and proper person and therefore revoked his Private Hire driver's licence.



Meeting ended at 4.30 pm

**CHAIR** \_\_\_\_\_

