

Bristol City Council

Minutes of the Public Safety and Protection Sub-Committee B



15 September 2020 at 11.00 am

Members Present:-

Councillors: Richard Eddy (Chair), Fi Hance and Carole Johnson

Officers in Attendance:-

Ashley Clark (Legal Advisor), Abigail Holman (Licensing Officer), Carl Knights (Licensing Policy Advisor) 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 Chris Davies.

3. Declarations of Interest

None received.

4. Minutes of the Previous Meeting

The minutes of the PSP B Sub Committee meeting on 4 August 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 the 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. FA NET Report

The driver was in attendance.

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

- This hearing is to establish whether action should be taken against FA following a recent police notification.
- FA has held a licence since 2009, which expires in December 2022 expiry. FA is also sole director of a taxi operation.
- On 1 May 2020, FA was stopped by police and a CS spray canister was found in his vehicle. FA said that he put it there 2 months earlier after was given to him by another driver as lost property. The file has been sent to CPS for a charging decision.
- FA has no previous complaints or offences. This is potentially a section 5 firearms offence, so weight should be given to this when deciding if FA is fit and proper to hold a licence.

The applicant gave the following evidence:

- FA was stopped by an undercover police officer as he drove from his house for a shopping trip.
- This officer said he believed that a suspicious person had been in FA's car and searched it, finding a CS gas canister.
- FA said that the canister was handed in to him 2 month's prior as lost property.
- FA said he did not realise what the canister contained. If offensive items are handed in lost property (such as knives) they are destroyed.
- FA has a clean licence and no convictions.

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

- It was confirmed that the committee can take action independently of a criminal prosecution. The committee considers public safety issues on behalf of the licensing authority.
- It is FA's company policy to keep lost property items for 2 months before they are destroyed. The canister was logged as an "aerosol spray".



The Committee withdrew to deliberate on their decision.

RESOLVED (unanimous decision)

The Committee decided that no further action is required.

9. AA NET Report

The driver was in attendance.

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

- AA was granted a licence in December 2006 and his current licence expires January 2023.
- PC Quinton stopped AA on 11 July 2020 and found both rear tyres defective. The near side tyre was so bald, no reading was possible. It is a condition of the licence to properly maintain tyres.
- AA accepted responsibility for this and conducted himself well at all times. He replaced the tyres quickly after the stop.
- AA was fined £100 and had 3 penalty points added to his licence. PC Quinton suspended the vehicle licence.
- AA appeared at PSP in April 2020 due to not disclosing a public order offence on his renewal application. Members granted the renewal but warned AA about observing his licence conditions.
- Paper file has 2 historic offences: 2009 not making second stop endangering passenger (no further action) and 2011 AA advisory letter about parking on a hackney rank.

The applicant gave the following evidence:

- AA said he was surprised that the 2009 and 2011 incidents are still on record. There is no record of his account on these. No further action was taken on either of these incidents. AA had to park at the hackney rank to assist an elderly passenger. The hackney driver was upset by this and reported AA. He regards those incidents as finished and not relevant to today's hearing.
- AA said he had no knowledge of receiving a caution and was also surprised that this was on record. He said his child was attacked by a group of other children, so AA shouted at those children. He went to the police station to make a statement and was not aware at the time what a caution meant.
- AA apologised for the condition of his tyres and said it was out of character as he has maintained a clean licence for 13 years. AA said he was struggling with personal circumstances as he is supporting 3 children and his wife has cancer and lack of work from covid-19 restrictions has caused the family hardship.

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

- That AA appeared before PSP in April and was given a warning about his conduct.
- Taxi drivers are expected to check the quality of their tyres regularly. AA said he normally does this, but was distracted by difficult personal circumstances.
- It was confirmed that the committee do not take into account the personal circumstances of drivers as their priority is the safety of the public.



- The state of the tyres was extremely poor.
- AA said he parked at a hackney rank to help an elderly passenger, but there are no records to support this.
- AA had changed his name and then took a caution in a previous name. AA said that he gave his new name to the police at the time of the caution and assumes they logged it in error on a previous name. PC Quinton confirmed that the police records show that AA has 13 different names or aliases.

The Committee withdrew to deliberate on their decision.

RESOLVED (unanimous decision)

The Committee found that AA had inadequately maintained his licensed vehicle despite having received a warning in April as to the standards expected of him. Both rear tyres were extremely bald and one of these had no tread at all. The fundamental concern of Members is public safety and they resolve to suspend his licence for a period of 3 months or until a new satisfactory Enhanced DBS certificate is returned, whichever is the longest, as members had concerns regarding his identity.

10 SZ PSP Report

The applicant was in attendance.

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

- SZ has applied for the renewal of a licence which expired 15 August 2020. SZ has held a licence since 2014.
- A DVLA check revealed endorsements for failure to give ID (6 points) and SP50 speeding on motorway (3 points). There is also a historic 2015 speeding offence.
- As part of the licence conditions, a driver must declare any offences on the next working day. SZ declared on the renewal application, but did not notify BCC at the time of the offence.
- Under BCC policy, an applicant is expected to be free of convictions 6 months prior to application. 2 convictions within 2 years is normally grounds for refusal.

The applicant gave the following evidence:

- SZ apologised for his offences but believes that they are matters of error rather than intentional.
- He said that he struggled with limited English language skills and admits that he did not notify the council at the time of the offences.
- SZ has 3 children and an elderly mother to support, losing his licence would cause substantial hardship for him and his family.

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



- Concerning the failure to give identification offence, SZ said that his vehicle was stopped while his wife was driving. SZ was the vehicle owner and so received a notification form from the court. SZ claims he sent this form to the court, but the court never received it, so recorded an offence of refusal to identify.
- SZ's wife was driving a private vehicle, not the licenced vehicle.
- It was confirmed that the committee's responsibility is to the safety of the public and that they do not take into account the personal circumstances of the driver.
- SZ has received no customer complaints.

The Committee withdrew to deliberate on their decision.

RESOLVED (majority decision)

The Committee agreed to grant this application, but gave a strong warning to the driver that he must adhere to his licence conditions at all times and must inform the licensing team of any future offences as per those conditions.

Meeting ended at 2.00 pm

CHAIR _____

