

Bristol City Council

Minutes of the Public Safety and Protection Sub-Committee A



19th October 2021 at 10.00 am

Members Present:

Councillors: Amal Ali (Chair), Marley Bennett, Chris Davies (part), Richard Eddy and Tessa Fitzjohn

Officers in Attendance:

Lynne Harvey – Legal Services, Dakota Ferrara – Licensing Section (Presenting Officer Agenda Items 8 and 11), Carl Knights – Licensing Section (Policy Advisor), Graham Lange – Licensing Section (Presenting Officer Agenda Items 7 and 10), Norman Cornthwaite – Democratic Services;
P C Patrick Quinton (Agenda Item 8)

1 Welcome and Safety Information

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

2 Apologies for Absence

None were received.

3 Declarations of Interest

None received.

4 Public Forum

Nothing received.

5 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.

6 Exclusion of 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.

7 Happy Cow, Narrow Quay – Application for the Grant of a Street Trading Consent (CR)

CR was in attendance.

The Licensing Officer introduced the report and summarised it for everyone. In response to a question, he explained that although there was no specific Policy relating to Street Trading Consents and convictions, the Policy relating to Taxi Drivers was used as a guide and a conviction relating to drugs would normally lead to a refusal of an application for between 5 and 10 years following a conviction.

The Legal Advisor confirmed that this was the case and that Members may depart from their Policy if persuaded to by an applicant.

The Policy Advisor stated that the applicant should have declared his conviction. In response CR stated that he had ticked the wrong box as he did not know if his conviction was spent.

CR put his case explaining that he has done catering work since he was 14 years old; at the time of the conviction he was under a lot of pressure and stress; he broke up with his partner; his father died of cancer and was mixing with the wrong type of people. This all resulted in a nervous breakdown but he has since turned his life around. He was working with a friend at a Fish and Chips outlet on Harbourside and has since moved on to running his own business. He has a good family and friends. He just wanted to present himself at Committee. He summed up his case.

CR and the Licensing Officer left the room whilst the Committee made its decision.

Decision

The Committee considered very carefully all the written and verbal evidence that it had received.

The Members noted the circumstances of the offences and that he had made a mistake. He had been under a lot of stress due to personal circumstances at the time but he was now trying to turn his life around. They also noted that any Consent granted could be revoked at any time should any issues occur.



The Committee had regard to CR's written representations and also his oral explanation concerning how he had positively turned his life around. He also provided an explanation that he misunderstood the question on the application form regarding his criminal record and had not intended to mislead anyone.

The Committee believed CR's explanation that his offending conduct, which occurred 6 years ago, was out of character and that there were mitigating circumstances which gave rise to the behaviour. The Members also accepted that he had made an innocent mistake in failing to disclose his convictions. The Committee noted that he had turned his life around and had operated a successful fish & chips business for the past 3 years. He also had many years' experience in the catering trade and was offering something different in the form of an exclusively vegan ice cream van which would be a positive asset to the City.

They therefore agreed to grant the Street Trading Consent.

Everyone returned to the room to hear the decision announced.

Resolved – (unanimously) that the application for a Street Trading Consent at Narrow Quay made by CR be granted.

8 Application for the Grant of a Hackney Carriage Driver Licence (KH)

KH was present.

Also in attendance was P C Patrick Quinton.

The Licensing Officer introduced the report and summarised it for everyone.

P C Patrick Quinton provided a witness statement concerning the revocation of the licence held by KH by South Gloucestershire Council and two offences of driving a Private Hire Vehicle without a licence or insurance.

KH put his case highlighting the following:

- He had been driving to pick up his daughter when he was stopped for driving a Private Hire Vehicle without a licence or insurance
- Since losing his licence he has been working in the community
- Since being a taxi driver he has had no other incidents or complaints
- He summed up his case

KH and the Licensing Officer left the room whilst the Committee made its decision.



Decision

That the application by KH for a grant of a HCD licence be refused on the ground contained in section 59 of the Local Government (Miscellaneous Provisions) Act 1976 in that the Council could not be satisfied that he was a fit and proper person to hold a HCD Licence.

Reasons

The Committee considered very carefully all the written and verbal evidence that it had received.

The Hackney Carriage Driver's Licence held by KH was revoked with immediate effect by this Council on 25 September 2018 following a complaint from a member of the public being upheld against him. This complaint was of a very serious nature in that it involved him making inappropriate comments of a sexual nature towards a lone female passenger. The complainant's version of events were supported by V Cars who reported the matter to the Council. The Council's decision to revoke his licence was upheld by Bristol Magistrates Court on 27 February 2019.

This conduct is regarded as being akin to an offence of a sexual nature which under the Council's policy and national standards, it is recommended that an applicant should be permanently debarred from holding a licence.

Members have not heard anything from KH today to satisfy them that he should be treated as an exception to Council policy without undermining it or the reasons that underlie it, namely, protection of the public.

This incident on its own is sufficient for the Committee to reach a finding that he is not a fit and proper person to hold a Hackney Carriage Driver's Licence.

However, the Committee also heard from PC Patrick Quinton that his licence was revoked by SGC on 13 October 2020 following him providing them with misleading information on his application form.

PC Patrick Quinton has also notified the Committee that on 6 July 2021 he was convicted of two offences of driving a private hire vehicle without a licence and having no insurance. These offences occurred on 20 November 2020 in respect of which he was fined and received 8 penalty points. The Committee heard further from PC Quinton that the offences which led to these convictions were one of a series of jobs he undertook as a PHD following your licence being revoked by SGC. This conduct placed the public at risk, not least because he would not have been insured in respect of this particular use of the vehicle.

Having regard to all of this information, the Committee cannot be satisfied that he is a fit and proper person to hold a HCD licence.

The application for a HCD Licence is therefore refused.



Everyone returned to the room to hear the decision announced.

Resolved – (unanimously) that KH’s application for a HCD licence be refused on the ground contained in section 59 of the Local Government (Miscellaneous Provisions) Act 1976 in that the Council could not be satisfied that he was a fit and proper person to hold a HCD Licence.

9 Application for the Renewal of a Private Hire Driver’s Licence (RB)

It was noted that consideration of this item had been deferred until a future Meeting of the Committee.

1 Application for the Renewal of a Hackney Carriage Vehicle Licence seeking departure 0 from BCC Policy (SD)

SD was in attendance accompanied by a colleague.

The Licensing Officer introduced the report and summarised for everyone.

The Policy Advisor clarified the Policy relating to Hackney Carriage Vehicles.

His colleague put SD’s case on his behalf highlighting the following:

- There are some taxis on the road that are older than 10 years
- SD was not able to work during the Covid Lockdown
- He would like a 6 months extension to his vehicle licence to take him to March 2022
- This will give him time to acquire a new vehicle and switch from Euro 5 to Euro 6
- He summed up the case

The Policy advisor reminded Members that the Policy is to have newer, safer and lower emission vehicles on the road.

SD, his colleague and the Licensing Officer left the room whilst the Committee made its decision.

Decision & Reasons

The Committee considered very carefully all the written and verbal evidence that it had received.

The Committee decided that the application to renew the HCV licence should be refused on the ground contained in section 60(c) of the Local Government (Miscellaneous Provisions) Act 1976, namely “any other reasonable cause” in that the vehicle no longer conforms with Council policy due to its’ age and the Committee did not consider that there were any exceptional reasons to treat this application as an exception to Council policy. Although the applicant advanced financial circumstances in support of his



application, that is not a factor the Committee should take into account when deciding whether or not a vehicle should be treated as an exception to Council Policy.

Everyone returned to the room to hear the decision announced.

Resolved – (unanimously) that the application to renew the HCV licence should be refused on the ground contained in section 60(c) of the Local Government (Miscellaneous Provisions) Act 1976, namely “any other reasonable cause” in that the vehicle no longer conforms with Council policy due to its’ age and the Committee did not consider that there were any exceptional reasons to treat this application as an exception to Council policy.

(Councillor Davies left the Meeting after this item.)

11 Application for the Grant of a Private Hire Driver’s Licence (IR)

IR was in attendance accompanied by a colleague.

The Licensing Officer introduced the report and summarised it for everyone.

IR put his case and answered questions highlighting the following:

- He apologised for the incidents
- He had been under stress due to domestic issues – he had split up with his wife and was not seeing his daughter
- He had double parked on a private road and when asked to move his car he had done so and apologised to the woman
- He accepted that all the incidents had happened

IR, his colleague and the Licensing Officer left the room whilst the Committee made its decision.

Decision

The Committee considered very carefully all the written and verbal evidence that it had received.

The Committee noted that there have been 6 separate unrelated complaints against IR from members of the public which occurred during a relatively short time period. All of these complaints were upheld against him by this Committee on 26 March 2019. He accepted today that those incidents occurred with the exception of using the words that he would “chop up” one of the complainants. The Committee noted his apology for his previous conduct.

These complaints are still fairly recent and on all occasions his conduct fell well below the standards that the Council are entitled to expect from those whom it licences.



The incident whereby he was using a mobile phone whilst driving on its own requires a period of at least 5 years free of offending behaviour before an application will be entertained and although the Committee noted he is sorry, it does not consider that there is sufficient reason to depart from Council policy and grant him a licence.

In addition, the number of incidents and the seriousness of them, gives the Committee a greater cause of concern.

He has not therefore satisfied the Committee that he is a fit and proper person to hold a PHD licence and his application is refused.

Everyone returned to the room to hear the decision.

Resolved – (unanimously) that the application by IR for the grant of a PHD licence be refused on the ground contained in section 51 of the Local Government (Miscellaneous Provisions) Act 1976 in that the Council could not be satisfied that he was a fit and proper person to hold such a licence.

12 Application for the Renewal of a Hackney Carriage Driver’s Licence (PB)

It was noted that consideration of this item had been deferred until a future Meeting of the Committee.

Meeting ended at 2.10 pm

Chair _____

