

Bristol City Council

Minutes of the Public Safety and Protection Sub-Committee A



27 June 2023 at 10.00 am

Members Present:-

Councillors: Richard Eddy, Sarah Classick and Heather Mack

Officers in Attendance:- Carl Knights (Licensing Policy Advisor), Dakota Ferrara (Licensing Officer), Alison Wright (Neighbourhood Enforcement Officer), Oliver Harrison (Democratic Services)

1 Welcome and Safety Information

Cllr Eddy and Cllr Classick were present at the start of the meeting. Cllr Eddy was nominated to Chair the meeting. The Chair led introductions and issued the safety information.

2 Apologies for Absence

Apologies were received from Cllr Ali and Cllr Bennett.

3 Declarations of Interest

None received.

4 Minutes of the Previous Meeting

RESOLVED: the minutes of the previous meeting 18 April 2023 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 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 TA - Report of an Application for the renewal of a Private Hire Driver Licence

The applicant was present, accompanied by his brother and an interpreter. Cllr Eddy as chair of the meeting led introductions and explained the process.

The licensing officer introduced the report and summarised it for the committee:

- TA had declared two offences on his Private Hire Driver renewal application, which were confirmed by a DVLA search.
- These convictions happened while TA was licensed.
- Drivers are obligated to declare offences to the licensing authority within 1 working day. No such notification was received.
- TA contacted the Council to inform them that his licence has 3 penalty points on it, but these two convictions gives him 6 points currently.
- According to policy, a single minor offence would not stop a licence being granted, but multiple offences should be assessed. There is also a pattern of not declaring offences.

TA was invited to present his case:

- TA said that these offences occurred during the Covid pandemic which was a difficult time for the trade.
- TA said that he declared the convictions when he applied for a licence renewal, but admitted he did not declare them at the time of the offence.
- He did not receive a letter about the incidents when they happened as he had changed home address.
- He had not been able to work for 3 months, so would be grateful to get his badge back to support his family.
- TA apologised for the offences and said that he would not offend in future.

The following information was confirmed by questioning:



- That TA has been driving since 2004 and has no other offences on record.
- That he had not set up a forwarding address, but he believed that the licensing authority were aware of his address change as he had received other correspondence from them.
- That TA was travelling at 28mph within a 20mph limit on the 12 June 2021 and 28mph within a 20mph limit on the 5 June 2021. He also has an offence for failing to supply relevant information. TA said that he did not realise he was driving within a 20mph for both offences.
- In August 2012 TA was convicted of common assault and a PSP committee suspended his licence for 2 months in 2013. This conviction was not disclosed at the time.
- TA said he did not declare this assault conviction as he received no notification from the authority. However, it is the duty of the license holder to notify the authority.

The applicant was invited to sum up, then left the room with the licensing officer while the panel deliberated, then returned to hear the decision.

DECISION

The application was refused. The committee were concerned about the offences on record and the applicant's repeated failure to notify the licensing authority within the time period specified in his licence conditions.

9 MS - Application for the renewal of a Hackney Carriage Vehicle Licence seeking departure from Bristol City Council Policy

The applicant was present, Cllr Eddy as chair of the meeting led introductions and explained the process.

The licensing officer introduced the report and summarised it for the committee:

- This is an application for the renewal of a Hackney Carriage Vehicle Licence.
- The vehicle is a Citroen Berlingo, which has been licenced since 2013. The vehicle licence expired in April 2023.
- The vehicle is over 10 years old and has failed MOT on 5 occasions on the first pass. On the most recent MOT on 13 Oct 2022, the vehicle failed first time and passed on the second with 3 advisory points.
- After the decision today, the vehicle will still need to pass a vehicle check.
- The vehicle has excessive emissions and an oil leak. All new vehicles licensed by the authority need to be low emission.

MS was invited to present his case:

- MS has spent a lot of money on the vehicle. The cam belt failed in 2022, so he investigated buying a new car, but this would be too expensive.



- He exchanged an engine from another newer vehicle and replaced the clutch and cam belt.
- He still plans to replace the car, but the market is very expensive. MS asked the committee to grant the application to give him more time to build up funds.
- MS had arranged two different car sales with other drivers over the past few months, but both deals fell through.
- He wanted to buy a car that is currently licenced as it costs a lot to modify an existing vehicle.
- MS was concerned about purchasing a high mileage car as they need a lot of work and the vehicle being applied for has relatively low mileage.
- It is a difficult time for the trade post pandemic and earning opportunities are more limited. MS did not use this vehicle for 2 years due to covid.

The following information was confirmed by questioning:

- The car has several MOT failures relating to the exhaust. MS was able to supply the committee with new paperwork showing the emission details after the replacement engine.
- The new engine meets Euro 5 standards, but not Euro 6. The air and fuel filters were not changed in the process, which can affect the emission readings. BCC used to offer a quick emissions check but no longer does so.
- MS has paper records related to his work and vehicle but finds it difficult to digitise them for submission to the authority.
- MS has been a licenced driver for many years and has a clean record.

The applicant was invited to sum up, then left the room with the licensing officer while the panel deliberated, then returned to hear the decision.

DECISION

The application is granted. The committee appreciated the open explanation given by the applicant and the supporting documentation he supplied. The committee was satisfied that the applicant had made all possible efforts to buy a replacement vehicle and bring his current vehicle as close as possible to the policy standard.

10 Report to consider application for the Grant of Street Trading Consent at Paved area by the Fountains outside City Hall, College Green Bristol

The applicants were present, Cllr Eddy as chair of the meeting led introductions and explained the process.

The licensing officer introduced the report and summarised it for the committee:

- This is an application for the grant of a street trading consent outside City Hall. From May 2009 this has been a consent street under legislation, meaning operators must be licenced.
- The application is to sell Mexican tacos and soft drinks from 5.00pm to 10.30pm Monday to Sunday.



- There is currently another operator on this location supplying tea and coffee from 7.00am to 5.00pm.
- There are 2 representations from the current operator and a local resident.
- Previous committees have always rejected applications for hot food in this location believing it is not appropriate for the site.

The applicants were invited to present their case:

- The applicant would like the same location as the current café trader near city hall. The application was submitted in January so there has been a wait for approval.
- The current business is reliant on events so that makes income unpredictable. The applicant would appreciate the stable source of income this location could provide.
- This is an independent business, not a chain or franchise. It sources food supplies from local providers. The tortillas are made by a company from Old Market and vegetables are also local.
- This business supports other Bristol retailers and is keen to be a productive part of the local community.
- The applicant has chosen this location to increase the output of an existing pitch rather than creating a new one.
- The current operator is licensed to 5pm, but on most days closes at 3.30pm. The applicant would like to work together to find arrangements that work for both parties on opening times and site maintenance.

The following information was confirmed by questioning:

- All of the applicant's packaging is biodegradable.
- The licensing authority does not have a copy of the applicant's DBS check or liability insurance, but this has already been completed and could be supplied.
- The applicant spoke to the current operator in January when the application was made, but not recently as there was no news from the council.
- They would like this site as it has been proven to already be successful for the café van and has more limited impact than a new site.
- The food being sold is healthy and affordable, with vegetarian, vegan and gluten free options.

The applicants were invited to sum up, then left the room with the licensing officer while the panel deliberated, then returned to hear the decision.

DECISION

The application was granted subject to additional conditions to be confirmed by the licensing officer. This includes a later start time of 6.00pm, grant of access for maintenance and shared maintenance responsibility with the current operator.

11 AM - Application for the grant of a Private Hire Vehicle Licence seeking departure from Bristol City Council Policy



The applicant was present, Cllr Eddy as chair of the meeting led introductions and explained the process.

The licensing officer introduced the report and summarised it for the committee:

- This vehicle application is seeking exemption for the level of window tint. The policy is that tints should allow 65% of light to penetrate. This vehicle tint only allows 25% of light to penetrate.
- The policy on tints came into force in 2021 but reflects practice over a 10-year period. It was consulted on in 2018.
- Feedback from the visually impaired was that people with limited vision cannot see outside of the car so do not know where they are.
- Being able to see in and out of the vehicle is also a security issue. Sexual assaults have been known to be enabled by window tints.
- Operators have objected as the tints are factory standard, meaning that they must be changed at considerable cost.

AM was invited to present his case:

- AM said that the policy was discriminatory, as other nearby authorities do not have this restriction, meaning tinted taxis are operating in Bristol but only Bristol licenced drivers are forced to replace their windows.
- Almost all cars relevant for taxi service have tinted glass by default that will fail the policy test. Replacing the windows costs around £2000.
- While AM accepted that high levels of tint could affect the visually impaired, they could mitigate this by tracking on mobile devices.

The following information was confirmed by questioning:

- That AM sold his previous vehicle as it was non-compliant with other aspects of the BCC licensing policy.
- The car market is limited and expensive, meaning AM had to buy this vehicle with non-compliant tinted windows.
- He was aware of the windows policy, but unaware of the high cost of replacing the windows.

The applicant was invited to sum up, then left the room with the licensing officer while the panel deliberated, then returned to hear the decision.

DECISION

Application was refused. The licensing authority's policy on window tints was subject to full consultation and cross-party agreement to address public safety issues. The committee was not satisfied that there was a significant reason to depart from the policy in this case.

12 TS - Application for the renewal of a Private Hire Driver Licence seeking departure from Council Policy & Application For The Renewal Of A Private Hire Vehicle Licence



This item was deferred.

13 NH - Report to determine whether any action should be taken against the holder of a Hackney Carriage Driver Licence & Hackney Carriage Vehicle Licence

Cllr Eddy left the meeting at this point and was replaced by Cllr Mack. Cllr Classick was nominated to Chair.

The driver was present, as was PC Patrick Quinton (Taxi Compliance Officer) and Alison Wright from the Neighbourhood Enforcement Team (NET). Cllr Classick led introductions and explained the process.

The NET officer introduced the report and summarised it for the committee:

- That NH was first granted a hackney carriage driver's licence in January 2011 and the current vehicle has been licenced since 2018.
- PC Quinton contacted NET due to concerns about an unlicensed driver using NH's licenced vehicle and whether NH was 'fit and proper' to hold a licence.
- On 1 Nov 2020 NH committed a speeding offence but no action was taken as the time limit for prosecution expired.
- On 24 Nov 2020 NH committed a speeding offence and was convicted with 3 points and a £66 fine.
- On 23 Feb 2021 NH failed to comply with a traffic sign and accepted a £50 penalty.
- On 13 May 2021 NH created an obstruction and accepted a £30 penalty.
- On 28 June 2021 NH committed a lighting offence and accepted a £30 penalty.
- On 27 February 2022 NH committed a speeding offence but nominated another driver as driving at the time of the offence. This driver is not a licenced hire driver.
- On 30 April 2022 NH committed a speeding offence and again nominated the same driver.
- On 30 Nov 2022 NH was alleged of driving without due care and attention and was sent a warning letter as the time limit for prosecution expired.
- If a non-licenced driver drives a hackney carriage vehicle, this presents a risk to the public and invalidates insurance. Once a hackney carriage is licenced it is always considered as a licenced vehicle.
- The NET emailed NH in March 2023 to request details of this other driver but received no reply.
- Apart from the 3 points on his licence declared on his renewal application, NH has not notified the authority about any other offences.
- There are a significant number of other complaints as detailed in the report pack.
- Committee is asked to determine whether NH is fit and proper to hold a licence.

NH was invited to present his case:

- Regarding the allegation of driving without due care and attention, NH was returning from dropping a child to school. The road was long and straight with heavy vehicles. A vehicle ahead of NH was travelling at 30mph in a 60mph limit. NH attempted to overtake, but the vehicle accelerated to match his speed.



- NH said that he did not report the offence to the licensing authority as he received no notification of it.
- On the February and April offences, NH said that his father could have been driving the car, or that his father could have received and returned the form relevant to the offences.
- His father is also a licenced driver but has a poor memory of events following a stroke so would not be able to confirm for sure.
- NH said that his family often open his post on his behalf as he works long hours.
- He accepted the obstruction offence, but did not recognise the lighting offence.

The following information was confirmed by questioning:

- The committee was shown video footage of the incident of driving without due care or attention.
- As NH is the registered keeper for the vehicle in question, all correspondence related to the offences will have been sent to his address.
- There is a time limit of 14 days post offence date to notify of prosecution. If this limit is exceeded, a warning letter is sent instead.
- The police and NET are still investigating the two instances where NH has nominated another driver for an offence. This does not prevent the committee from making a decision today.
- NH said that no other person drives his car to his knowledge. However, it is possible that his father could have pick up NH's keys as they are accessible in the house.
- NH is the only person working in the household. He has two children and two sick parents. NH's daughter needs regular hospital visits.
- NH did not have a passenger on board for the due care and attention incident.
- NH is aware that someone must be licenced to drive a hackney carriage.
- The name on the nomination form is NH's cousin, who is currently in Pakistan. NH's father could have completed the form but would be unable to remember.

The applicant was invited to sum up, then left the room with the NET officer and police officer while the panel deliberated, then returned to hear the decision.

DECISION

The committee noted their Policy and considered a suspension was not appropriate due to the pattern of behaviour demonstrated. Members resolved that NH's Hackney Carriage Driver's licence be revoked on the grounds contained in section 61(1)(b) of the Local Government (Miscellaneous Provisions) Act 1976, namely 'any other reasonable cause'.

The Committee resolved that no action would be taken on NH's Hackney Carriage Vehicle licence at this time.

The Committee heard that NH had numerous motoring offences of a various nature over a period of time (Nov 2020 – Nov 2022), as well as some history of previous complaints against him.

Two speeding offences in Feb and April 2022, resulted in another person (Unlicensed with Bristol City Council) being nominated as driving at the time of the offence. NH denies completing the Notice of



Intended Prosecution for either of these matters and does not know the person named on the Notice of Intended Prosecution. This matter is currently under police investigation.

In his evidence before the committee, NH was very clear that he was the registered keeper of the vehicle and the only person insured to drive the vehicle. He said that to his knowledge no one else has driven the vehicle. He appeared to suggest that the Notice of Intended Prosecution could have been completed by another member of his family, namely his father, but he also referred to his wife doing some of his paperwork because he worked into the late hours.

The committee also had an opportunity to view video evidence of the alleged offence of driving without due care and attention, for which NH had received a warning letter from Avon and Somerset Police.

14 IA - Report of an application for the renewal of a Hackney Carriage Driver Licence

Cllr Classick as Chair led introductions and explained the process. The applicant was present, accompanied by the chair of the taxi association.

The licensing officer introduced the report and summarised it for the committee:

- This is a renewal application for a Hackney Carriage Driver's Licence.
- IA has a conviction for driving without due care and attention. He notified the licensing authority that he now had 6 points on his licence. He did not declare the nature of the offence. The authority should have asked for more details at the time, as it would have resulted in a referral to the committee.
- There is also an allegation on file from May 2016 that he was watching videos on phone while driving. We have no additional information about that.
- There are no other complaints on file. While a single minor offence is not a bar to granting a licence, this offence is considered major and so the committee is asked to determine the application.

IA was invited to present his case:

- IA complained that he only received the relevant paperwork for the hearing a week and a half ago, so did not have adequate time to prepare. The licensing officers gave IA the opportunity to reschedule, which he declined. It was agreed by all parties that the hearing could go ahead.
- It was also confirmed that IA was happy to go ahead without an interpreter, with the taxi association chair assisting him.
- This incident occurred outside Bristol Temple Meads. This is a very busy station with multiple lanes. IA went from the stopping lane to the feeder lane at low speed. A woman stepped out into the vehicle. IA tended to her to make sure that she was OK, she confirmed that she was, but later complained to the police.
- There have been several collisions of this type in that area and there are plans to install a pedestrian crossing.
- IA has an otherwise clean driving record.



The following information was confirmed by questioning:

- That IA was convicted by the court of the offence, and that the committee cannot 'go behind' this conviction or reinvestigate it.
- IA chose to represent himself at court and has a poor level of English.
- The pedestrian was in IA's blind spot when he was making a turn. Committee members said that a driver would be expected to check mirrors and the blind spot before turning.
- That the highway code expects drivers to have a duty of care to pedestrians.
- This offence will remain on IA's licence until 2025.

The applicant was invited to sum up, then left the room with the licensing officer while the panel deliberated, then returned to hear the decision.

DECISION

The application is refused. This was a serious offence that involved collision with a pedestrian. IA has shown no accountability or remorse for this offence. The committee cannot go behind the conviction of a court.

Meeting ended at 3.30 pm

CHAIR _____

