

BRISTOL CITY COUNCIL

**MINUTES OF A MEETING OF THE
PUBLIC SAFETY AND PROTECTION SUB-COMMITTEE A
HELD ON 11TH MARCH 2014 AT 10.30 A.M.**

P Councillor Fi Hance (in the Chair)
P Councillor Jay Jethwa
P Councillor Mike Langley
A Councillor Chris Davies/Tim Leaman
P Councillor Ron Stone

PSP

117.3/14 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies were received from Councillors Davies and Leaman, their substitute was Councillor Hance.

PSP

118.3/14 DECLARATIONS OF INTEREST

Agenda Item No. 11 - Councillor Jethwa stated that she lives opposite City Link Taxis. (KP tabled a reference from City Link Taxis in support of his case.)

PSP

119.3/14 PUBLIC FORUM

Nothing was received.

PSP

**120.3/14 CONSIDERATION OF THE SUSPENSION OF COMMITTEE
PROCEDURE RULES (CMR 10 AND 11) RELATING TO THE
MOVING OF MOTIONS AND RULES AND DEBATE FOR THE
DURATION OF THE MEETING**

RESOLVED - that having regard to the quasi-judicial nature of the business on the agenda, those Committee Rules relating to the moving of motions and the rules of debate (CMR 10 and 11) be suspended for the duration of the meeting.

PSP

**121.3/14 APPLICATION FOR THE RENEWAL OF A STREET TRADING
CONSENT AT FORECOURT OF 189 HIGHRIDGE GREEN,
BRISTOL BS13 8AA
APPLICANT: YENER OLGUN
PROPOSED TRADING NAME: GEORGE'S SNACKS**

The Sub-Committee considered a report of the Director of Neighbourhoods (Agenda Item No. 5) determining an application for the renewal of a Street Trading Consent.

YO was in attendance, accompanied by CJ.

The Chair explained the procedure that would be followed and everyone introduced themselves.

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

CJ presented the case for YO and answered questions highlighting the following:

- They contacted the Pollution Control Team as soon as the complaint was received
- There was an agreement that the situation be monitored by YO and no smells were detected and the results were submitted
- There was then a visit by Pollution Control as a result of a further complaint
- YO has bought filters and they will be installed as soon as possible
- YO requested that he be allowed to trade whilst the filters are fitted and their effectiveness monitored
- YO confirmed that he was aware of the complaint concerning the smells
- YO has a bin for litter and always clears the site at the end of business each day
- Most customers arrive by car and take their food home with them

- They are not aware of anyone urinating behind the van as there is not room
- There were more problems in the area before YO started trading there
- They are not aware of noisy cars and YO always asks customers to turn down loud music
- Referring to a letter dated 23rd October 2013, CJ confirmed that she was the woman referred to in it; the woman, who has always been rude and aggressive about YO, was aggressive towards her and they had an argument
- The electrical connection would have to be altered if the van were to be moved
- YO summed up his case - he is shutting earlier than his consent requires, he always tidies the site and does not cause any problems; the complainant wants him removed from the site

The Licensing Officer confirmed that there is no record of a Police objection to the application; he also confirmed that the previous committee report referred to the complaint about odour

All parties and the representatives of the Director of Neighbourhoods left the room.

Details of the Committee's findings and reasons for the decision are set out in Appendix 1.

All parties and the representatives of the Director of Neighbourhoods returned to the room to hear the decision of the Committee.

RESOLVED – that the Street Trading Consent be granted with effect from 1st April 2014, subject to the filters being fitted by that date and the Conditions at Appendix A of the report (including the Unique Conditions).

(It was also recommended to YO that he should arrange for Pollution Control to check the effectiveness of the filters as he could be issued with an Abatement Notice.)

PSP

122.3/14 EXCLUSION OF PRESS AND PUBLIC

RESOLVED – that under Section 100A(4) of the Local Government Act 1972 the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Part 1 of Schedule 12A to the Act, as amended.

PSP

123.3/14 CONVICTION RECEIVED BY THE HOLDER OF A PRIVATE HIRE DRIVER LICENCE – SS

(Exempt paragraph 3 – Information relating to person's financial or business affairs)

The Sub-Committee considered an exempt report of the Director of Neighbourhoods (Agenda Item No. 7) determining if any action is required as a result of a conviction received by the holder of a Private Hire Driver (PHD) licence.

SS was in attendance, accompanied by his wife (HG).

The Chair explained the procedure that would be followed and everyone introduced themselves.

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

HG presented the case SS and answered questions highlighting the following:

- They tabled references in support of SS
- They have been happily married 12 years, although at the time of the incident they were not speaking to each other; Christmas was approaching and they needed money to buy presents for the children, his father was ill (although he is better now) and there were lots of issues going on; the incident happened and they have spent some time apart since then, but are now reconciled
- The specifics of the incident are that SS came home from work and it was his day off the following day; they were watching TV and got into an argument and although he tried to end it by going upstairs she followed him and it carried on; both of them

had been drinking alcohol and there was pushing and shoving between them, and she fell down the stairs although he tried to grab hold of her to stop her falling; she was very angry with him and called the Police; she made a statement to the Police saying she had been dragged down the stairs when in fact she fell, but although she later wanted to retract it was not allowed to do so; the Police did not acknowledge her second statement; SS went to London and was not allowed to contact her until after the hearing

- When she fell down the stairs she sustained bruising and carpet burns which the police photographed; although her younger child slept through the incident, the elder one woke up; the presence of the child is probably why the Police took the incident so seriously; she received support from the Police and from Next Link
- SS was represented by a court appointed solicitor and it was confirmed that he was fined, ordered to carry out 100 hours community work and pay the court costs (he did not receive a caution)
- HG may receive counselling from Next Link
- SS is now back at work and may also receive counselling (from another source)

SS summed up his case - he is very good with customers and always looks after them; many of his customers are elderly; he has never had any problems with his customers; he wants to continue to be a taxi driver.

All parties and the representatives of the Director of Neighbourhoods left the room.

Details of the Committee's findings and reasons for the decision are set out in Appendix 2.

All parties and the representatives of the Director of Neighbourhoods returned to the room to hear the decision of the Committee.

RESOLVED – that no action be taken against SS on this occasion.

PSP

124.3/14

**APPLICATION FOR THE GRANT OF A PRIVATE HIRE
DRIVER'S LICENCE – GASB**

(Exempt paragraph 3 – Information relating to person's financial or business affairs)

The Sub-Committee considered an exempt report of the Director of Neighbourhoods (Agenda Item No. 8) considering an application for the grant of a Private Hire Driver's licence.

GASB was in attendance.

The Chair explained the procedure that would be followed and everyone introduced themselves.

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

GASB presented the case and answered questions highlighting the following:

- He has completed all of the other parts of the fit and proper tests
- He is financially stretched having used all of his savings whilst looking after his terminally ill mother, who died last March
- He is therefore unable to get back into the line of work he wants for financial reasons
- He could delay taking the test until he is in a better financial position although he knows the City very well and considers it would be a waste of money to take the test
- He acknowledges that he should have kept his badge; it took him until December 2013 to submit an application as he was getting over the death of his mother
- He had a back operation in February 2013 and still takes pain medication; this is why he has only applied for a Private Hire Licence and not a Hackney Carriage Licence as he cannot manage large wheelchairs
- He used to work in logistics until his back and has since been a taxi driver

- He knows of a number of companies he can work for and would buy a plated vehicle
- He summed up his case

The Licensing Officer advised Members that the cost of the Knowledge Test is £53.

All parties and the representatives of the Director of Neighbourhoods left the room.

Details of the Committee's findings and reasons for the decision are set out in Appendix 3.

All parties and the representatives of the Director of Neighbourhoods returned to the room to hear the decision of the Committee.

RESOLVED – that the request by GASB to be exempted from having to pass the Knowledge Test be refused and therefore his application for the grant of a Private Hire Driver's Licence be refused until he has passed the Knowledge Test.

**PSP
125.3/14**

APPLICATION FOR THE GRANT OF A PRIVATE HIRE DRIVER'S LICENCE – RB

(Exempt paragraph 3 – Information relating to person's financial or business affairs)

The Sub-Committee considered an exempt report of the Director of Neighbourhoods (Agenda Item No. 9) considering an application for the grant of a Private Hire Driver (PHD) licence.

RB was in attendance.

The Chair explained the procedure that would be followed and everyone introduced themselves.

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

RB presented the case and answered questions highlighting the following:

- He has moved from Hampshire to Bristol and was licensed by New Forest D C
- He does days out for tourists, not conventional private hire work
- He is the only Blue Badge Holder in Bristol and he drew Members attention to the e-mail from Destination Bristol supporting his application
- He considers that he should be exempted from the 3 parts of the fit and proper test requested as he is a Member of Institute of Advanced Motorists; he offers a national and regional chauffeur service and does not therefore need to pass the Knowledge Test; his Blue Badge is of a higher standard than the Gold Standard, and in any event he cannot get on a course until the Summer
- He was doing similar work in the New Forest - where none of these elements are required - taking cruise passengers from Southampton on day trips
- He has a good car, but it is 6 years old and its suitability is still being considered by the Licensing Section
- He took the Knowledge Test last week but failed it; it confirmed that it is not appropriate to his type of work
- He summed up his case - he has a good record with New Forest; he previously held a mini bus licence; he has no intention of working as a private hire driver

It was noted that the Gold Standard is bespoke training specifically for taxi drivers; that drivers are required to take the Knowledge Test as once granted a licence drivers are not restricted to one particular type of geographical work; and the DSA is to ensure a satisfactory standard of driving

All parties and the representatives of the Director of Neighbourhoods left the room.

Details of the Committee's findings and reasons for the decision are set out in Appendix 4.

All parties and the representatives of the Director of Neighbourhoods returned to the room to hear the decision of the

Committee.

RESOLVED – that that the request by RB to be exempted from having to pass the DSA, the Knowledge Test and Gold Standard Training Programme be refused and therefore his application for the grant of a Private Hire Driver’s Licence be refused until he has passed these elements of the fit and proper test.

PSP

126.3/14

CONVICTION OF A HACKNEY CARRIAGE DRIVER – TA

(Exempt paragraph 3 – Information relating to person’s financial or business affairs)

The Sub-Committee considered an exempt report of the Director of Neighbourhoods (Agenda Item No. 10) considering whether any action is necessary in respect of the Hackney Carriage Driver’s Licence.

TA was in attendance, accompanied by Councillor Shah.

The Chair explained the procedure that would be followed and everyone introduced themselves.

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

TA presented the case and answered questions highlighting the following:

- Referring to the first offence, he stated he had no intention of harming any of the passengers and had only reacted in the way he did because he feared for his safety, having been attacked before
- Referring to the second offence, the Officers came up behind him and he did not see them; he was sitting in the driver’s seat and did not know they were Police Officers until they introduced themselves; although he then offered to move his car he was offended by the attitude of the Police Officer; he did not try to trap the Police Officer’s hand in the window, he just felt intimidated
- He cannot remember exactly what was said but was not trying to cause trouble and offered to move the car; he provided his

name and address once he was inside his car; he was not flippant but was surprised when approached by the Police Officers

- Referring back to the first offence, he was carrying an extendable wheel wrench in his car because he is a qualified mechanic and had a puncture a few days before the incident; he did not threaten any customers who had already paid the fare, but took offence at being told off for using his phone whilst driving - even though he admitted doing so - and got into an argument; he felt threatened and picked up the wrench; he then got back in the car and drove off
- He summed up his case and apologised for the incidents

Councillor Shah made a statement on behalf of TA - he has known him since he was born; they live in the same street; he also knows his father; he is always friendly and is not angry or violent; he is a student; it is stressful being a taxi driver; he has a lot of family responsibilities because he is the oldest child.

The Enforcement Officer advised that TA appeared before the Committee on 26th July 2011 as a result of complaints and his licence was suspended for 3 months.

All parties and the representatives of the Director of Neighbourhoods left the room.

Details of the Committee's findings and reasons for the decision are set out in Appendix 5.

All parties and the representatives of the Director of Neighbourhoods returned to the room to hear the decision of the Committee.

RESOLVED – that the Hackney Carriage Driver's Licence held by TA be revoked as he is no longer a fit and proper person to hold such a licence.

**PSP
127.3/14**

CONVICTION OF A PRIVATE HIRE DRIVER – KP

(Exempt paragraph 3 – Information relating to person's financial or business affairs)

The Sub-Committee considered an exempt report of the Director of

Neighbourhoods (Agenda Item No. 11) considering whether any action is necessary in respect of the private hire driver's licence.

KP was in attendance, accompanied by his son.

The Chair explained the procedure that would be followed and everyone introduced themselves.

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

His son presented the case for KP and answered questions highlighting the following:

- He tabled 2 references in support of KP
- There was a misunderstanding about the information he included on the application - he was not aware of the pending investigation
- His father is under a lot of pressure - he has to care for other son who is in a wheelchair and he has to take him to and from school; he also has to work
- The circumstances of the offence are that he had just completed a job and was persuaded by a woman to give her a lift
- He summed up the case

The Enforcement Officer advised Members that KP was convicted of the same offences in 2002 - illegal plying for hire and no insurance - and was suspended by the Committee for a period of 3 months.

All parties and the representatives of the Director of Neighbourhoods left the room.

Details of the Committee's findings and reasons for the decision are set out in Appendix 6.

All parties and the representatives of the Director of Neighbourhoods returned to the room to hear the decision of the Committee.

RESOLVED – that the Private Hire Driver's Licence held by KP

be suspended for a period of 3 months.

INFORMATION ITEM

PSP

128.3/14 DATE OF NEXT MEETING

RESOLVED – that the next meeting will be held on Tuesday 8th April 2014 at 10.00 a.m. and is likely to be a meeting of Sub-Committee B.

(The meeting ended at 3.40 pm.)

CHAIR

BRISTOL CITY COUNCIL

**MINUTES OF MEETING
OF THE PUBLIC SAFETY AND PROTECTION
SUB-COMMITTEE B
HELD ON 11th MARCH 2014 AT 10.30 AM**

PSP 121.3/14

Agenda Item No. 5

Agenda title

**APPLICATION FOR THE RENEWAL OF A STREET TRADING CONSENT
AT FORECOURT OF 189 HIGHRIDGE GREEN, BRISTOL BS13 8AA
APPLICANT: YENER OLGUN
PROPOSED TRADING NAME: GEORGE'S SNACK**

Decision

That the Street Trading Consent be granted with effect from 1st April 2014, subject to the filters being installed by that date and the Conditions at Appendix A of the report (including the Unique Conditions).

(It was also recommended to YO that he should arrange for Pollution Control to check the effectiveness of the filters as he could be issued with an Abatement Notice.)

Reasons for Decision

Members considered very carefully all of the written and verbal evidence presented to them.

They noted the complaints about the smell that have been received. However they also noted that YO has purchased filters and will have them fitted as soon as possible.

They therefore agreed to grant a Consent to YO with effect from 1st April 2014, subject to him having the filters installed by that time (and Conditions).

In order to ensure that the filters are effective in eliminating smells. Members also recommended to YO that he should arrange for Pollution Control to check the effectiveness of the filters as he could be issued with an Abatement Notice.

Chair's Signature

BRISTOL CITY COUNCIL**MINUTES OF MEETING
OF THE PUBLIC SAFETY AND PROTECTION
SUB-COMMITTEE B
HELD ON 11th MARCH 2014 AT 10.30 AM****PSP 123.3/14****Agenda Item No. 7****Agenda title****CONVICTION RECEIVED BY THE HOLDER OF A PRIVATE HIRE DRIVER
LICENCE – SS****Finding of Facts**

SS was convicted of assault, was fined, sentenced to carry out 100 hours of community work and ordered to pay court costs.

Decision

That no action be taken against SS on this occasion.

Reasons for Decision

Members considered very carefully all of the written and verbal evidence presented to them.

They noted the circumstances of the incident. They considered HG to be a very good witness. They considered the incident to be a one of and noted that it did not occur whilst SS was working and therefore did not involve any members of the public.

The Members therefore decided to take no action against SS.

Chair's Signature

BRISTOL CITY COUNCIL

**MINUTES OF MEETING
OF THE PUBLIC SAFETY AND PROTECTION
SUB-COMMITTEE B
HELD ON 11th MARCH 2014 AT 10.30 AM**

PSP 124.3/14

Agenda Item No. 8

Agenda title

**APPLICATION FOR THE GRANT OF A PRIVATE HIRE DRIVER'S LICENCE
– GASB**

Decision

That the request by GASB to be exempted from having to pass the Knowledge Test be refused and therefore his application for the grant of a Private Hire Driver's Licence be refused until he has passed the Knowledge Test.

Reasons for Decision

Members considered very carefully all of the written and verbal evidence presented to them.

They noted the reasons put forward by GASB for being exempted from having to pass the Knowledge Test, however they did not hear enough evidence to persuade them to set aside their Policy and make an exception in this case.

Chair's Signature

BRISTOL CITY COUNCIL

**MINUTES OF MEETING
OF THE PUBLIC SAFETY AND PROTECTION
SUB-COMMITTEE B
HELD ON 11th MARCH 2014 AT 10.30 AM**

PSP 125.3/14

Agenda Item No. 9

Agenda title

**APPLICATION FOR THE GRANT OF A PRIVATE HIRE DRIVER'S LICENCE
– RB**

Decision

That that the request by RB to be exempted from having to pass the DSA, the Knowledge Test and Gold Standard Training Programme be refused and therefore his application for the grant of a Private Hire Driver's Licence be refused until he has passed these elements of the fit and proper test.

Reasons for Decision

Members considered very carefully all of the written and verbal evidence presented to them.

They noted the reasons put forward by RB for being exempted from having to pass the DSA, the Knowledge Test and the Gold Standard Training Programme, however they did not hear enough evidence to persuade them to set aside their Policy and make an exception in this case.

Chair's Signature

BRISTOL CITY COUNCIL**MINUTES OF MEETING
OF THE PUBLIC SAFETY AND PROTECTION
SUB-COMMITTEE B
HELD ON 11th MARCH 2014 AT 10.30 AM****PSP 126.3/14****Agenda Item No. 10****Agenda title****CONVICTION OF A HACKNEY CARRIAGE DRIVER – TA****Finding of Facts**

TA was convicted of having an offensive weapon at Bristol Crown Court on 12th December 2013.

TA was convicted of causing an unnecessary obstruction at Yate Magistrates Court on 5th September 2013.

Decision

That the Hackney Carriage Driver's Licence held by TA be revoked as he is no longer a fit and proper person to hold such a licence.

Reasons for Decision

Members considered very carefully all of the written and verbal evidence presented to them.

They noted the circumstances of both offences. They noted their Policy in particular in relation to possession of an offensive weapon. They noted that the passengers had already paid the fare and told him off for speaking on his 'phone whilst driving, which he admitted doing. They also noted that he appeared before the Committee less than 3 years ago. They had concerns about the attitude of TA. They considered that they had not heard enough evidence to persuade them to set aside their Policy and make an exception in this case.

In accordance with their Policy they therefore revoked the Hackney Carriage Driver's Licence held by TA as he is no longer a fit and proper person to hold such a licence.

Chair's Signature

BRISTOL CITY COUNCIL**MINUTES OF MEETING
OF THE PUBLIC SAFETY AND PROTECTION
SUB-COMMITTEE B
HELD ON 11th MARCH 2014 AT 10.30 AM****PSP 127.3/14****Agenda Item No. 11****Agenda title****CONVICTION OF A PRIVATE HIRE DRIVER – KP****Finding of Facts**

KP was convicted of illegally plying for hire and having no insurance.

Decision

That the Private Hire Driver's Licence held by KP be suspended for a period of 3 months.

Reasons for Decision

Members considered very carefully all of the written and verbal evidence presented to them.

They noted the circumstances of the offence and the references put forward in support of KP. They also noted that his last offence was 12 years ago.

They therefore agreed to set aside their Policy and make an exception in this case, and only suspend his licence for a period 3 months.

Chair's Signature