

BRISTOL CITY COUNCIL

**MINUTES OF A MEETING OF THE
PUBLIC SAFETY AND PROTECTION SUB-COMMITTEE B
HELD ON 10TH JANUARY 2012 AT 10.00 A.M.**

- P Councillor Chris Davies
- P Councillor Alf Havvock (for Cllr Leaman)
- P Councillor David Morris (in the Chair)
- P Councillor Mike Langley
- A Councillor Tim Leaman

PSP

147.1/12 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies were received from Councillor Leaman, substitute Councillor Havvock.

PSP

148.1/12 DECLARATIONS OF INTEREST

Councillor Langley - Agenda Item No. 9 - Application for Street Trading Consent, Kebab Master, Straits Parade - Applicant Sakir Yildirim. Councillor Langley stated that he used to live in the area and had sustained damage to his car allegedly caused by customers of this business. He would therefore absent himself from the Meeting when this item was considered.

PSP

149.1/12 PUBLIC FORUM

Nothing was received.

PSP

**150.1/12 CONSIDERATION OF THE SUSPENSION OF COMMITTEE
PROCEDURE RULES (CMR 10 AND 11) RELATING TO THE
MOVING OF MOTIONS AND RULES OF 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

151.1/12 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 I of Schedule 12A to the Act, as amended.

PSP

152.1/12 COMPLAINT OF OFFENDING CONDUCT PRIVATE HIRE DRIVER LICENCE - MH

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

The Sub-Committee considered an exempt report of the Director of Neighbourhoods (Agenda Item No. 6) considering whether action is necessary in respect of the Private Hire Driver's Licence held by MH.

MH was in attendance accompanied by his son and his nephew. An interpreter for MH was also in attendance.

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

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

MH was unable to produce his DVLA Licence, although the Licensing section hold a copy on file of the licence dated 9th June 2011.

The Enforcement Officer advised everyone that the Witnesses SM and AD are unable to attend the Meeting, although his report is reliant on the Witness Statements made by SM and AD to substantiate the allegation of offending conduct by MH.

In response to a question, MH stated that he did not accept the version of events described by the Witnesses SM and AD, and that he would produce evidence to support his version of events.

The Representative of the Service Director, Legal Services stated that as MH disputes the version of events put forward by the Witnesses, without the presence of the Witnesses at the Meeting it would be very difficult for Members to come to a conclusion on the facts of the case. She therefore advised Members that the case should be adjourned until a future Meeting of the Committee when the Witnesses could be present.

After a short debate it was

RESOLVED - that the case be adjourned until a future Meeting of the Committee when the Witnesses could be present.

PSP

153.1/12 HACKNEY CARRIAGE DRIVER – RECENT COURT CONVICTION - SMA

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

The Sub-Committee considered an exempt report of the Director of Neighbourhoods (Agenda Item No. 7) considering whether action is necessary against the holder of a hackney carriage driver's licence.

SMA was not in attendance.

Members noted that had not attended the Meeting on 13th December 2011 and had been granted a deferment that day. In view of this Members decided that they would consider the case in his absence.

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

In response to questions from Members, the following facts were confirmed - SMA is the proprietor; there is a copy of his DVLA Licence on file dated October 2010; and the licence plates on his vehicle expire in February 2012.

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

RESOLVED - (i) that the Hackney Carriage Driver's Licence held by SMA be revoked; and

(ii) that should an application for a new licence be received from SMA, the application is to be subject to all of the fit and proper person tests, and a CRB Check.

PSP

154.1/12

COMPLAINT OF OFFENDING CONDUCT - HOLDER OF PRIVATE HIRE DRIVER'S LICENCE - WMQ

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

WMQ was not in attendance.

The Enforcement Officer advised Members that that the Witnesses SM and AD are unable to attend the Meeting, although his report is reliant on the Witness Statements made by SM and AD to substantiate the allegation of offending conduct by WMQ.

The Representative of the Service Director, Legal Services noted from the report that that WMQ disputes the version of events put forward by the Witnesses and without the presence of the Witnesses at the Meeting it would be very difficult for Members to come to a conclusion on the facts of the case. She therefore advised Members that the case should be adjourned until a future Meeting of the Committee when the Witnesses could be present.

RESOLVED - (i) that the case be adjourned until a future Meeting of the Committee when the Witnesses SM and AD could be present; and

(ii) that WMQ be invited to ask "Abdul" to

attend the Meeting as a witness to support his case.

THE FOLLOWING ITEM WAS CONSIDERED IN OPEN (NON-EXEMPT) SESSION

PSP

155.1/12 APPLICATION FOR A STREET TRADING CONSENT RE: KEBAB MASTER, STRAITS PARADE, FISHPONDS, BRISTOL

The Licensing Officer had previously advised Members that a request for a deferment of this report had been received from Mr Yildrim as he is unavailable.

It was therefore

RESOLVED - that consideration of this report be deferred until a future Meeting of the Committee.

PSP

156.1/12 DATE OF NEXT MEETING

RESOLVED - that the next meeting will be held on Tuesday 7th February 2012 at 10.00 a.m. and is likely to be a meeting of Sub-Committee A.

(The meeting ended at 12.00 noon.)

CHAIR

BRISTOL CITY COUNCIL**MINUTES OF MEETING
OF THE PUBLIC SAFETY AND PROTECTION
SUB-COMMITTEE B
HELD ON 10TH JANUARY 2012 AT 10.00 AM.****PSP 153.1/12****Agenda Item No. 7****Agenda title****HACKNEY CARRIAGE DRIVER – RECENT COURT CONVICTION - SMA****Finding of Facts**

SMA was found guilty of unlawfully plying for hire and not having the required insurance by Bristol Magistrates on 26th October 2011.

Decision

That the Hackney Carriage Driver's Licence held by SMA be revoked.
That should an application for a new licence be received from SMA, the application is to be subject to all of the fit and proper person tests, and a CRB Check.

Reasons for Decision

Members considered very carefully all of the written and verbal evidence presented to them.
Noting their Policy, the offences committed, SMA's failure to engage with BCC and that his Hackney Carriage Driver's Licence expires on 18th October 2012, Members decided to revoke the licence as SMA has been convicted of offences and is no longer considered to be a fit and proper person to hold such a licence. Members also that should an application for a new licence be received from SMA, the application is to be subject to all of the fit and proper person tests, and a CRB Check.

Chair's Signature