

BRISTOL CITY COUNCIL

MINUTES OF A MEETING OF THE  
PUBLIC SAFETY AND PROTECTION SUB-COMMITTEE B  
HELD ON 24<sup>TH</sup> APRIL 2012 AT 10.00 A.M.

P Councillor Chris Davies  
P Councillor Fi Hance (for Cllr Leaman)  
P Councillor Mike Langley  
A Councillor Tim Leaman  
P Councillor David Morris (in the Chair)

**PSP**

**198.4/12 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

Apologies were received from Councillor Fi Hance.

**PSP**

**199.4/12 DECLARATIONS OF INTEREST**

There were no further declarations of interest.

**PSP**

**200.4/12 PUBLIC FORUM**

Nothing was received.

**PSP**

**201.4/12 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**

**202.4/12 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**

**203.4/12**

**REPORT OF THE RECENT CONVICTION OF A HACKNEY CARRIAGE DRIVER'S LICENCE - SEGA**

(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 as a result of a recent court conviction since the grant of a hackney carriage driver's licence.

SEGA was in attendance, accompanied by two colleagues.

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

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

SEGA then put his case and answered questions highlighting the following:

- On the day of the assault he had been fasting, it was at 6.00 pm and the person that he assaulted was another taxi driver who had also been his friend for 12 to 15 years; he had insulted his family; they had been shouting at each other and when the other driver approached him aggressively he thought that he was going to hit him so SEGA head butted him first in self defence. SEGA explained to the members that he had been a taxi driver for 12.5 years without complaint
- In respect of ticking the wrong box SEGA said that it was a genuine mistake. SEGA explained that he had taken advice from a HCD who said that until I am convicted I should tick "no".

His two colleagues then provided character references for SEGA highlighting that he has been a long time friend to both of them; he is of good character; he is an honest man; this was a one off case and out of character; he was provoked; he has never been in any other trouble and does not present a risk to the public.

SEGA summed up his case and tabled a reference letter, a copy of which is contained in the Minute Book.

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 hear the decision of the Committee.

**RESOLVED - that the Hackney Carriage Driver's License held by SEGA be suspended for a period of one month.**

**PSP**

**204.4/12**

**REPORT OF THE CAUTION OF A HOLDER OF A PRIVATE HIRE DRIVER'S LICENCE - IJC**

(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 as a result of a caution being received by a licensed Private Hire Driver.

IJC was in attendance, accompanied by his solicitor.

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

The Licensing Officer introduced the report and summarised it for everyone. He confirmed that IJC has been issued with a one month license.

IJC assisted by his solicitor then put his case to the Committee and answered questions highlighting the following:

- He admitted the Caution on his CRB form; he had not intended any form of deception
- The incident occurred when he had gone a public house for a family meal; a man had been abusing his son; he told the man to go away but he had later returned and continued to be aggressive and foul mouthed; IJC thought he was going to

hit him so he hit the other man first; when he saw the man again he apologised for his behaviour

- Two days later he received a letter from the police inviting him to attend the Police Station; he did and was issued with what he thought was a “warning”
- He was not aware that he was receiving a Caution and that it could impact on his work as a taxi driver
- He has encountered aggressive and abusive passengers when working as a taxi driver and has always been able to manage the situation

IJC’s solicitor summed up his case - a Caution is issued when an offence is admitted, an admission of guilt has been made and is an alternative to going to court; a warning is not recorded; the Committee’s policy allows it to judge each case on its merits; there are unusual circumstances in this case and public safety is not an issue; there are mitigating circumstances; he was defending himself and his family; he had not been arrested and had gone to the Police station when invited; he thought that he was receiving a Warning; the Police had not informed the Licensing Office of the offence even though it relates to a notifiable occupation - therefore not seen by the Police as a serious matter; he should be allowed to continue with his occupation.

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 2.

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

**RESOLVED - that no further action be taken.**

**PSP**

**205.4/12**

**APPLICATION FOR THE RENEWAL OF A HACKNEY CARRIAGE DRIVER LICENCE - SNA**

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

The Licensing Officer advised Members that this report had been withdrawn.

## **THE FOLLOWING ITEMS WERE CONSIDERED IN OPEN (NON EXEMPT) SESSION**

**PSP**

**206.4/12**

### **APPLICATION FOR THE GRANT OF STREET TRADING CONSENT AT FORECOURT OUTSIDE 20 KENSINGTON PARK ROAD**

**APPLICANT: MOHAMMAD ZAHID**

**PROPOSED TRADING NAME: PUNJABI DHABAH**

The Sub-committee considered a report of the Director of Neighbourhoods (Agenda Item No. 9) relating to an application for the grant of a street trading consent at forecourt outside 20 Kensington Park Road.

The applicant was in attendance, accompanied by two colleagues.

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

The Licensing Officer introduced the report and summarised it for everyone. She confirmed that Food Safety Team is responsible for inspecting and advising on safety and hygiene. The application is for a consent to trade on Fridays in hot food between 16.30 and 21.00 hours.

The applicant with the help of his colleagues then made his case and answered questions highlighting the following:

- He tabled a letter addressing the objections raised - a copy of this letter is contained in the Minute Book
- The adjacent shop is owned by a family member
- They had originally provided Indian food at a Royal Wedding Street Party and a number of the residents had expressed a wish for a regular opportunity to buy their food
- The gazebo will be erected and removed each night; power will be provided from the shop; some food is kept hot, some is reheated; customers will not have contact with the gas cylinders; the food will be cooked 1 to 1.5 miles away at separate premises
- The off license closes at 9.00 pm and they would stop trading at the same time; they will be providing traditional

home cooked Indian food to be eaten at home and only expect to serve the local community, an estimated 100 to 150 people

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 3.

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

**RESOLVED - that Mohammad Zahid be granted a Street Trading Consent, for an initial period of six months, to trade as Punjabi Dhabah on the forecourt outside of 20 Kensington Park Road during the hours of 16.30 to 21.00 Fridays, subject to:**

**(a) the General Conditions attached to the Report at Appendix A, and**

**(b) (i) the provision of appropriate opaque screenings to the adjacent house and the road; (ii) no customers to be allowed on the forecourt while trading; (iii) all electrical and gas appliances to comply with current regulations; and (iv) the gazebo appropriately anchored to the ground**

**PSP**

**207.4/12 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**

**208.4/12 APPLICATION FOR THE GRANT OF A PRIVATE HIRE DRIVER LICENCE - AH**

(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. 11) considering an application for the grant of a Private Hire Driver's Licence.

The Licensing Officer advised Members that a request for deferment had been received from the applicant for medical reasons.

It was therefore

**RESOLVED - that consideration of this application be deferred until a future meeting of the Committee.**

**PSP**

**209.4/12 APPLICATION FOR THE GRANT OF A PRIVATE HIRE DRIVER LICENCE - MC**

(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. 12) considering an application for the grant of a Private Hire Driver's Licence.

MC was in attendance.

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

MC then made his case to the Committee and answered questions highlighting the following:

- The Caution relates to an argument that he had with his ex-wife; she lodged a complaint against him and he was interviewed by the Police and accepted a Caution; he did not disclose the Caution on his application form as he thought it no longer applied after 3 years
- The drink and driving offence was a big mistake and he takes responsibility for it – he has learnt his lesson; he was going through a divorce at the time; no longer drinks alcohol

- He has now re-married, has a one year old son and his wife is pregnant again
- He had thought that his Private Hire License would be restored at the same time as his DVLA License
- He is working at a warehouse, but the work is very physical and he has a bad back
- His back was injured during a robbery at the warehouse when he was struck by a car, for which he was awarded £2,700 compensation (less £900 fees for a solicitor); his GP has recommended that he be given office work but there is none available; he has therefore reduced his working hours and has had to claim Housing Benefit
- He was a bus driver in London before he moved to Bristol; he visits his sons by his ex-wife two or three times a month in London; he also produced his DVLA License indicating that his PSV License has been restored
- He summed up his case

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 4.

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

**RESOLVED - that the convictions referred to in this report should not be considered a bar against MC applying for a Private Hire Driver's License.**

**PSP**

**210.4/12**

**REPORT OF THE CONDITIONAL CAUTION OF A HOLDER OF A HACKNEY CARRIAGE DRIVER LICENCE - SH**

(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. 13) considering the conditional caution of a holder of a Hackney Carriage driver licence.

SH was in attendance, accompanied by his solicitor.

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

SH's solicitor then made his case to the Committee and answered questions highlighting the following:

- He acknowledges what he has done, is very remorseful and has attended a course
- He was not working at the time of the offence and knew the person involved
- Having received a Caution he would never repeat the offence
- He is aware that this is regarded as a Serious Sexual Offence
- It was the first time he had ever been arrested
- He asks that Members consider his good driving record
- He does not present a risk to the public
- He reported the incident to the Licensing Office straightaway

SH then made a statement to the Committee and answered questions highlighting the following:

- He was not working at the time of the offence
- He had been with a group of friends until 3.00 am and had dropped them all off
- He was on his way to buy fuel when the offence occurred
- He knew the woman was street worker when he stopped but was only talking to her when the Police arrived
- He admitted the offence to the Police and accepted a Caution

- He has been driving 15 years and is not a danger to the public, this is the only job he has done

SH's solicitor summed up his case – Members should look at the circumstances of the offence, consider his good driving record, note that he admitted the offence and note that he attended the course.

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 5.

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

**RESOLVED - that no action be taken.**

## **INFORMATION ITEM**

**PSP**

**211.4/12 DATE OF NEXT MEETING**

**RESOLVED - that the next Meeting be held on Tuesday 29<sup>th</sup> May 2012 at 10.00 am and will be a meeting of the Full Committee possibly followed by a meeting of Sub-Committee A.**

(Meeting ended at 3.45 pm.)

CHAIR

## BRISTOL CITY COUNCIL

MINUTES OF A MEETING OF THE  
PUBLIC SAFETY AND PROTECTION SUB-COMMITTEE B  
HELD ON 24TH APRIL 2012 AT 10.00 AM

PSP 203.04/12

Agenda Item No. 6

**Agenda title****REPORT OF THE RECENT CONVICTION OF A HACKNEY CARRIAGE  
DRIVER'S LICENCE – SEGA****Finding of Facts**

SEGA was convicted of assault on 4<sup>th</sup> November 2012 and had made a false declaration on 3 application forms dated 23.09.10, 01.09.11 and 05.10.11..

**Decision**

That the Hackney Carriage Driver's License held by SEGA be suspended for a period of one month pursuant to s61(1)(a) and (b). Local Government (Miscellaneous Provision) Act 1976.

**Reasons for Decision**

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

They noted the previous good character of SEGA during 12 years of driving. They also noted the good verbal and written character references provided by SEGA.

However, members were of the opinion that assault and failing to complete forms accurately were serious matters. Members were of the opinion that losing control whether provoked or not is a serious matter.

Members considered their policy on proven criminal behaviour and considered that para 7 (b)(iii) was applicable in these circumstances. However, taking into account SEGA's long driving record members were of the opinion that a one month suspension was appropriate in the circumstances.

**Chair's Signature**

## BRISTOL CITY COUNCIL

MINUTES OF A MEETING OF THE  
PUBLIC SAFETY AND PROTECTION SUB-COMMITTEE B  
HELD ON 24TH APRIL 2012 AT 10.00 AM

PSP 204.04/12

Agenda Item No. 7

**Agenda title****REPORT OF THE CAUTION OF A HOLDER OF A PRIVATE HIRE DRIVER'S LICENCE – IJC****Finding of Facts**IJC received a Caution for assault on 2<sup>nd</sup> August 2011.**Decision**

That no action be taken.

**Reasons for Decision**

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

Members noted his previous good character and the mitigating circumstances surrounding the offence - the other man had been aggressive and abusive; IJC had been defending himself and his family; that he had gone to the Police Station when invited; and that he thought he was accepting a warning, rather than a Caution. Members were mindful of IJC long driving record and did not believe that IJC deliberately misled the licensing authority when he completed the form incorrectly. Members were unanimous that they should depart from their policy and that it was not necessary to take action.

**Chair's Signature**

## BRISTOL CITY COUNCIL

MINUTES OF A MEETING OF THE  
PUBLIC SAFETY AND PROTECTION SUB-COMMITTEE B  
HELD ON 24TH APRIL 2012 AT 10.00 AM

PSP 206.04/12

Agenda Item No. 9

**Agenda title****APPLICATION FOR THE GRANT OF STREET TRADING CONSENT AT  
FORECOURT OUTSIDE 20 KENSINGTON PARK ROAD****APPLICANTS: MOHAMMAD ZAHID****PROPOSED TRADING NAME: PUNJABI DHABAH****Decision**

That Mohammad Zahid be granted a Street Trading Consent, for an initial period of six months, to trade as Punjabi Dhabah on the forecourt outside of 20 Kensington Park Road during the hours of 16.30 to 21.00 Fridays, subject to:

(a) the General Conditions attached to the Report at Appendix A, and

(b) (i) the provision of appropriate opaque screenings to the adjacent house and the road; (ii) no customers to be allowed on the forecourt while trading; (iii) all electrical and gas appliances to comply with current regulations; and (iv) the gazebo appropriately anchored to the ground.

**Reasons for Decision**

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

They noted the letter the applicant had submitted to address the objections made to the application. Given that the application was for Fridays only and for limited hours in the evening members considered that they could grant the application with conditions given the concerns highlighted by objectors.

Members also had concerns about the power supply, customer access, the stability of the gazebo and the neighbouring property.

Members after much deliberation decided to grant the consent for 6 months with conditions that they though were appropriate to address the concerns referred to above. Members considered that it was appropriate to erect an opaque screening adjacent to the house next door and the road to provide privacy to the neighbour next door and to prevent customers access the forecourt from the pavement adjacent to the road. Members also considered that there should be a specific condition prohibiting customers on the forecourt while trading. Members were also concerned to see cables and appliances on the forecourt and wanted to ensure that should the applicant wish to use cables and appliances that they comply with current regulations. Members were also concerned about how sturdy the gazebo would be to withstand windy and bad

weather, as the forecourt is adjacent to busy roads and were therefore concerned about it becoming an obstruction on the road. To address these concerns members considered it was appropriate to ensure the gazebo is appropriately anchored to the ground

**Chair's Signature**

**Appendix 4**

**BRISTOL CITY COUNCIL**

**MINUTES OF A MEETING OF THE  
PUBLIC SAFETY AND PROTECTION SUB-COMMITTEE B  
HELD ON 24TH APRIL 2012 AT 10.00 AM**

**Agenda title****APPLICATION FOR THE GRANT OF A PRIVATE HIRE DRIVER LICENCE – MC****Finding of Facts**

MC accepted a Caution for Common Assault on 29<sup>th</sup> November 2006.  
MC was found guilty of Drink/Driving Offence on 26<sup>th</sup> February 2008.

**Decision**

That the convictions referred to in this report should not be considered a bar against MC applying for a Private Hire Driver's License.

**Reasons for Decision**

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

They noted the circumstances that led to the MC accepting the Caution concerning the incident with his ex-wife.

They noted that he acknowledges the mistake he made in committing the Drink/Driving Offence.

Members also accepted the explanation given by MC that he made a genuine mistake in not disclosing the existence of the caution because he thought that it expired after 3 years.

Members were unanimous that the convictions referred to in this report should not be considered a bar against MC applying for a Private Hire Driver's License.

**Chair's Signature**

## BRISTOL CITY COUNCIL

MINUTES OF A MEETING OF THE  
PUBLIC SAFETY AND PROTECTION SUB-COMMITTEE B  
HELD ON 24TH APRIL 2012 AT 10.00 AM

PSP 210.04/12

Agenda Item No. 13

**Agenda title**

**REPORT OF THE CONDITIONAL CAUTION OF A HOLDER OF A HACKNEY  
CARRIAGE DRIVER LICENCE – SH**

**Finding of Facts**

SH accepted a Caution for Soliciting a Prostitute on 7<sup>th</sup> January 2012.

**Decision**

That no further action be taken.

**Reasons for Decision**

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

Members noted that he had admitted the offence and was remorseful.

They also noted circumstances of the offence, his good driving record, that he admitted the offence and that he attended the course.

Members decided to depart from the Policy and decided not to take action.

**Chair's Signature**