

BRISTOL CITY COUNCIL

MINUTES OF A MEETING OF THE
PUBLIC SAFETY AND PROTECTION SUB-COMMITTEE A
HELD ON 18TH DECEMBER 2012 AT 10.00 A.M.

P Councillor Fi Hance (part)
A Councillor Alf Havvock
A Councillor Brenda Hugill
P Councillor Jay Jethwa (in the Chair)
P Councillor Ron Stone (for Cllr Hugill) (part)

PSP

116.12/12 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies were received from Councillor Havvock and Councillor Hugill, her substitute was Councillor Stone.

PSP

117.12/12 DECLARATIONS OF INTEREST

Councillor Stone stated that he had been in contact with the local Member in relation to MR - Agenda Item No. 10 - and would absent himself from the Meeting whilst this item was considered.

PSP

118.12/12 PUBLIC FORUM

There was none.

PSP

**119.12/12 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

120.12/12 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

121.12/12 COMPLAINT OF OFFENDING CONDUCT - HOLDER OF HACKNEY CARRAIGE DRIVER LICENCE - SEGA

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

The Licensing Officer advised Members that a request for a deferment had been received from SEGA.

It was therefore

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

PSP

122.12/12 COMPLAINT OF OFFENDING CONDUCT - HOLDER OF HACKNEY CARRAIGE DRIVER LICENCE - FH

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

The Licensing Officer advised Members that a request for a deferment had been received from FH.

It was therefore

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

PSP

123.12/12 REPORT OF THE CONVICTION OF A HOLDER OF A PRIVATE HIRE DRIVER'S LICENCE

(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. 8) determining if any action is required as a result of a conviction being received by a licensed Private Hire Driver (PHD).

HFA 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.

The Representative of the Service Director, Legal Services explained that the conviction is for a non-dishonest offence.

HFA put forward his case and answered questions highlighting the following:

- It was a mistake
- He is a single parent
- He worked for a short time
- He was buying a car and paying for it in instalments; he then rented the car to other taxi drivers and received an income from the taxi company
- His family has experienced a number of health problems - he had to have an urgent chest operation and is still unfit to work; he cares for his partner; one of his children required a hernia operation; and his partner was diagnosed with cancer which required surgery and other treatment; she has not been cured and still has great mobility problems
- His partner has received no benefits because of her immigration status in the UK
- He has three children
- He has been in the UK since 2002 and has not been in any other trouble
- He pleaded guilty in court and was represented by the duty solicitor; he is required to repay £12,000; the period of the offence was 3rd July 2008 to July 2011, although he only worked for the taxi company for 2 years, not 3 years
- He summed up his case

The Licensing Officer confirmed that the vehicle owned by HFA was licensed from 15th October 2008 to 14th October 2012 and was insured by HFA.

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 Private hire Driver's License held by HFA be suspended for a period of 3 months.

PSP

124.12/12 COMPLAINT OF OFFENDING CONDUCT - HOLDER OF HACKNEY CARRAIGE DRIVER LICENCE - MK

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

The Licensing Officer advised Members that a request for a deferment had been received from MK.

It was therefore

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

PSP

125.12/12 COMPLAINT OF OFFENDING CONDUCT - HOLDER OF HACKNEY CARRAIGE DRIVER LICENCE - MR

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

(Councillor Stone left the Meeting for the duration of this item.)

The Sub-Committee considered an exempt report of the Director of Neighbourhoods (Agenda Item No. 10) considering whether action is necessary against the holder of a Hackney Carriage Driver Licence.

MR was in attendance accompanied by a colleague.

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

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

MR stated that he was sorry for the incident, accepted that he had done and promised he would never do it again.

On behalf MR his colleague put forward his case and answered questions highlighting the following:

- MR has asked him to help
- He has known MR's family for 30 years
- MR has been in the UK for 12 years and has been a taxi driver for 6 years
- MR was having a lot of financial difficulties at the time of the offence; he supports his wife and children, and sends money to Bangladesh for his father (his mother is dead)
- MR's offence was his first in 6 years as a taxi driver
- MR is of good character and is very honest
- MR wants to become a Hackney Carriage Driver
- MR has apologised and it will never happen again
- He has advised MR never to put himself in this position again; he should obey the law and be honest, and reliable
- MR accepts that he knew the fare was not pre-booked
- He summed up the case

A letter from Yellow Cabs was shown to Members supporting MR.

The Enforcement Officer advised that he had also he received an e-mail from Councillor Khan in support of MR.

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 - (i) that the Private Hire Driver's License held by MR be suspended for a period of two months; and

(ii) that as the license expires on 23rd December 2012 in any event, any application for a new license received from MR within two months from the date the suspension takes effect be brought before the Committee for determination.

THE FOLLOWING ITEM IS TO BE CONSIDERED IN OPEN (NON-EXEMPT) SESSION

PSP

**126.12/12 APPLICATION FOR THE RENEWAL OF STREET TRADING CONSENT AT QUEENS ROAD, BRISTOL
APPLICANT: MR. MUSTAFA DURDU
PROPOSED TRADING NAME: PEED'S KEBABS**

The Sub-Committee considered a report of the Director of Neighbourhoods (Agenda Item No. 11) determining an application for the renewal of a street trading consent.

(Councillor Hance left the Meeting during this item.)

MD was in attendance, accompanied by a colleague and an agent.

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

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

MD put forward his case and answered questions highlighting the following:

- He has been before the Committee before, because he always encounters a lot of opposition when he applies for a Consent

- He has been at the location for a number of years and has never caused any problems
- He works until early in the morning and always keeps the area clean; his business is usually busier later in the night
- His customers buy their food and leave the area; he has had testimonies about his business published
- It is a busy area with lots of noisy and drunk people; litter comes from lots of different businesses in the area
- He noted that the Enforcement Team visits were at weekends
- He has satisfied all of the Food Safety and Environmental Health Requirements; there are no smells from his cooking
- He lives in Swindon and has storage facilities there
- 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 3.

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 Street Trading Consent Application be granted, subject to the Conditions attached to the Report at Appendix A.

INFORMATION ITEM

PSP

127.12/12 DATE OF NEXT MEETING

RESOLVED - that the next meeting be held on Tuesday 22nd January 2013 at 10.00 a.m. and will be a full Committee meeting followed by a meeting of Sub-Committee B.

(The meeting ended at 3.20 pm.)

CHAIR

BRISTOL CITY COUNCIL**MINUTES OF MEETING
OF THE PUBLIC SAFETY AND PROTECTION
SUB-COMMITTEE A
HELD ON 18TH DECEMBER 2012 AT 10.00 AM****PSP 123.12/12****Agenda item no: 8****Agenda title****REPORT OF THE CONVICTION OF A HOLDER OF A PRIVATE HIRE
DRIVER'S LICENCE****Finding of Facts**

HFA was convicted at North Somerset Magistrates of Benefit Fraud on 21st August 2012.

Decision

That the Private Hire Driver's License held by HFA be suspended for a period of 3 months under section 61 (1) (a) (i) of the Local Government (Miscellaneous Provisions) Act 1976.

Reasons for Decision

Members considered very carefully all of the written and verbal evidence presented to them. Members noted that £12,000 which represents the approximate overpayment of benefits is not an insignificant amount of money. However, it is being repaid. Members noted the unfortunate health problems suffered by his family. They also noted the family situation and the circumstances surrounding the fraud.

Members therefore decided to make an exception to their Policy and suspend the license held by HFA for only 3 months.

Chair's Signature

BRISTOL CITY COUNCIL**MINUTES OF MEETING
OF THE PUBLIC SAFETY AND PROTECTION
SUB-COMMITTEE A
HELD ON 18TH DECEMBER 2012 AT 10.00 AM****PSP 125.12/12****Agenda item no: 10****Agenda title****COMPLAINT OF OFFENDING CONDUCT - HOLDER OF HACKNEY
CARRAIGE DRIVER LICENCE - MR****Finding of Facts**

MR was convicted by Bristol Somerset Magistrates of Illegally Plying for Hire and No Insurance on 5th December 2012.

Decision

That the Private Hire Driver's License held by MR be suspended for a period of 2 months under section 61 (1) (a) (ii) of the Local Government (Miscellaneous Provisions) Act 1976.

That any application for a new license received from MR within two months from the date the suspension takes effect be brought before the Committee for determination.

Reasons for Decision

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

They noted his previous good record and his clean DVLA License – (except this offence). They also noted the testimony from his colleague, his employer and his local Member - Councillor Khan.

They therefore decided to make an exception to their Policy and agreed that his licence should be suspended for a period of only two months.

Chair's Signature

BRISTOL CITY COUNCIL**MINUTES OF MEETING
OF THE PUBLIC SAFETY AND PROTECTION
SUB-COMMITTEE A
HELD ON 18TH DECEMBER 2012 AT 10.00 AM****PSP 126.12/12****Agenda item no: 11****Agenda title****APPLICATION FOR THE RENEWAL OF STREET TRADING CONSENT AT
QUEENS ROAD, BRISTOL****APPLICANT: MR. MUSTAFA DURDU****PROPOSED TRADING NAME: PEED'S KEBABS****Decision**

That the Street Trading Consent Application be granted, subject to the Conditions attached to the Report at Appendix A.

Reasons for Decision

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

They noted all of the objections received; however they also noted that no objection had been received from the Police.

They noted MD has occupied this location for a number of years with a good history. They noted his claims to keep the area clean and tidy. They noted that there have been no issues with the applicant, his product or his unit. The unit is not on the highway and therefore does not present an obstruction to traffic.

Evidence from the Enforcement Team does not support the objections. In any event, this is a very busy area and it would be very difficult to attribute any of the alleged problems solely to this business.

Members saw no reason to refuse the application and it was therefore granted.

Chair's Signature