

**BRISTOL CITY COUNCIL**

**MINUTES OF A MEETING OF THE  
PUBLIC SAFETY AND PROTECTION SUB-COMMITTEE A  
HELD ON 7<sup>TH</sup> JANUARY 2014 AT 10.00 AM.**

- P Councillor Christopher Davies (part)
- P Councillor Jay Jethwa (in the Chair)
- P Councillor Mike Langley
- P Councillor Ron Stone

**PSP**

**93.1/14 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

There were none.

**PSP**

**94.1/14 DECLARATIONS OF INTEREST**

The following declaration was received:

<b>Councillor</b>	<b>Subject</b>	<b>Declaration</b>
Jethwa	Agenda Item No. 7	Arif Khan of Brunel Associates is a family friend, but she has had no contact with him about this item.

**PSP**

**95.1/14 PUBLIC FORUM**

The following Public Forum Statements were received and taken into account when the Sub Committee made its decision.

<b>Name</b>	<b>Subject</b>	<b>Comments</b>
Councillor Radice	Agenda Item No. 10	Written statement
Paul Parton and Jules Straw	“	“
Alison Classe	“	“

Chris Newton	“	“
Rhiannon Furbear-Williams	“	“
Bharat Kunwar	“	“
Dr C J Rose	“	“
Nathan Williams		

A copy of each of the statements is contained in the Minute Book.

**PSP**

**96.1/14**

**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**

**97.1/14**

**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 by the Local Government (Access to Information) (Variation) Order 2006.

**PSP**

**98.1/14**

**REPORT OF A CONVICTION RECEIVED BY THE HOLDER OF A HACKNEY CARRIAGE DRIVER LICENCE – AKS**

(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. 6) considering whether any action is required as a result of a court conviction since the grant of a hackney carriage driver’s licence.

AKS was not in attendance.

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

It was noted that the offence of driving a motor vehicle whilst using a hand held mobile telephone is not included in the Policy. The Representative of the Service Director, Legal and Democratic Services advised Members that they would have to decide which of the offences listed in the Policy they considered to be the most akin to the offence of driving a motor vehicle whilst using a hand held mobile telephone.

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 - (i) that Members considered the offence of driving a motor vehicle whilst using a hand held mobile telephone to be most akin to the offences of driving without due care and attention (CD10), driving without reasonable consideration for other road users (CD20) and driving without due care and attention or without reasonable consideration for other road users (CD30) in their Policy; and**

**(ii) that the Hackney Carriage Driver's Licence held by AKS be suspended for a period of 6 months.**

**PSP  
99.1/14**

**APPLICATION FOR THE GRANT OF A PRIVATE  
HIRE/HACKNEY CARRIAGE DRIVER LICENCE – YH**

(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) considering an application for the grant of a Private Hire Driver (PHD) licence.

YH was in attendance.

The Chair advised YH that having read the report the Sub Committee is of the view that Paragraph 7 (d) (iii) of the Policy applies to this application. This is because he was convicted of an offence listed in Appendix IV of the Policy and his victim was a lone 20 year old female, who was a passenger in his taxi.

The Chair read out Paragraph 7 (d) (iii) of the Policy – as follows:

“Where the sexual offences listed in Appendices IV and V have been committed involving children or other especially vulnerable persons, it is highly unlikely that an applicant would be in a position to satisfy the fit and proper person test, having regard in particular to the higher risk, when compared to other crime, that such offending behaviour would be repeated. Generally such offending conduct will permanently debar an applicant. Departure from this policy will only be made in the most exceptional of circumstances. Such exceptional circumstances are unlikely to be shown in the absence of an application being supported by persuasive evidence of the applicant's suitability, which should include a full risk assessment from suitably qualified professionals. Where the offender occupied a position of trust in relation to the victim this will be considered a further aggravating factor. This paragraph applies in respect of any sexual offending behaviour where the aggravating features described above feature and to the specific offences listed in Appendix VI.”

The Chair then continued that if YH wanted to try to prove to Members that he is a fit and person he would be expected to provide them with the required evidence.

She stated that the Sub Committee is therefore proposing to adjourn until YH has provided the information that Members require in order to judge his fit and proper person status.

She invited YH to address the Sub Committee about his application and the required evidence.

YH stated that he had pleaded not guilty at his trial. Since his release he has worked hard to provide for his family.

The Chair reminded YH that he needs to provide the required evidence to Members to try to prove that he is a fit and proper person.

The documents provided by him and attached to the report do not meet the required criteria.

**RESOLVED - that this case be adjourned until YH has provided the information that Members require in order to judge his fit and proper person status.**

### **CONSIDERED IN OPEN (NON-EXEMPT) SESSION**

**PSP**

**100.1/14**

**APPLICATION FOR THE GRANT OF A STREET TRADING CONSENT AT ROAD NEXT TO GRASSED AREA, ADJACENT TO 16 BELLAND DRIVE, BRISTOL  
APPLICANT: MR. MALVERN GILLS (MG)  
PROPOSED TRADING NAME: ORANGE BLOSSOM**

The Sub-Committee considered a report of the Director of Neighbourhoods (Agenda Item No. 8) determining an application for the grant of a Street Trading Consent.

MG was not in attendance.

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

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 the application be refused.**

**PSP**

**101.1/14**

**APPLICATION FOR THE GRANT OF A STREET TRADING CONSENT AT MEAD STREET, BRISTOL**

**APPLICANT: NICKY BROWN (NB)**  
**PROPOSED TRADING NAME: NICKY'S NOSH**

The Sub-Committee considered a report of the Director of Neighbourhoods (Agenda Item No. 9) determining an application for the grant of a Street Trading Consent.

NB was in attendance, accompanied by her husband.

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

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

NB and her husband put her case and answered questions highlighting the following:

- They drew attention to the letter dated 13<sup>th</sup> December 2013 submitted in support of their case
- The unit will be located on the road with the hatch on the footway side
- The unit will not be parked on double yellow lines; they will arrive early enough each day to secure a suitable parking space; the van is normal sized and only occupies one parking space
- Most customers will come from the industrial areas; customers will be discouraged from parking illegally; polite notice will be put on the van

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 application for a Street Trading**

**Consent at Mead Street, Bristol between the hours 07.00 to 14.00 Mondays to Saturdays be granted to Nicky Brown subject to the General Conditions attached to the Report at Appendix A.**

**PSP**

**102.1/14**

**APPLICATION FOR THE GRANT OF A STREET TRADING CONSENT OUTSIDE 91-93 ALMA ROAD, BRISTOL BS8 2DP  
APPLICANT: LOUISE ABEL (LA)  
PROPOSED TRADING NAME: SPOTLESS LEOPARD**

The Sub-Committee considered a report of the Director of Neighbourhoods (Agenda Item No. 10) determining an application for the grant of a Street Trading Consent.

LA 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. Referring to the objection stating that there is a disused toilet under the location, he advised that there is no record of such a toilet and that if there were such a toilet the covering would be strong enough to support the unit.

LA put her case and answered questions highlighting the following:

- She tabled some photographs
- She drew attention to her responses to the objections
- She does not agree that there are numerous vegan outlets in the area; most outlets offer only 1 option
- She uses re-cycled packing as much as possible; most of the food is pre-prepared; she has hygiene certificates and the van has been inspected; the van is completely silent - it runs on a battery

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 application for the grant of a Street Trading Consent Outside 91-93 Alma Road, Bristol BS8 2DP between the hours 09.00 to 17.00 on Tuesdays, Wednesdays and Thursdays be granted to Louise Abel, subject to the General Conditions attached to the Report at Appendix A.**

**PSP  
103.1/14**

**APPLICATION FOR THE GRANT OF A STREET TRADING CONSENT OPPOSITE 13 MAURICE ROAD, BRISTOL BS6 5BZ  
APPLICANT: KEVIN DRAKE (KD)  
PROPOSED TRADING NAME: ICE CREAM**

The Sub-Committee considered a report of the Director of Neighbourhoods (Agenda Item No. 11) determining an application for the grant of a Street Trading Consent.

KD 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.

KD put his case and answered questions highlighting the following:

- He tabled a letter in support of his application; a copy of the letter is contained in the Minute Book
- He does not have to use the chimes
- He was advised he was required to apply for a licence (Consent)

The Licensing Officer confirmed that this application is being treated as a Consent for a stationery unit.

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 the application for the grant of a Street Trading Consent Opposite 13 Maurice Road, Bristol BS6 5BZ between the hours 11.00 to 18.00 on Mondays to Sundays be granted to Kevin Drake, subject to the General Conditions attached to the Report at Appendix A and the chimes being used only twice per day, and sounding for a maximum of 30 seconds on each occasion.**

**PSP**

**104.1/14**

**APPLICATION FOR THE GRANT OF A STREET TRADING CONSENT AT CATHEDRAL WALK, BRISTOL  
APPLICANT: JAKE BLACK (JB)  
PROPOSED TRADING NAME: CHOMP**

The Sub-Committee considered a report of the Director of Neighbourhoods (Agenda Item No. 12) determining an application for the grant of a Street Trading Consent.

JB was in attendance, accompanied by a colleague.

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

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

JB put his case and answered questions highlighting the following:

- He tabled some additional information and a copy of it is contained in the Minute Book
- They have been trading at the location but did not realise that they require a Consent; they also trade at Temple Meads Station on Network Rail land on Tuesdays and Wednesdays

- The vehicle will be removed from the site at the end of each trading day
- They also propose to sell hot coffee; this change to the application was agreed

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 6.

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 application for the grant of a Street Trading Consent (including the sale of hot drinks) at Cathedral Walk, Bristol between the hours 07.30 to 14.30 on Fridays be granted to Jake Black, subject to the General Conditions attached to the Report at Appendix A.**

(Councillor Davies left the Meeting.)

**PSP**

**105.1/14**

**APPLICATION FOR THE RENEWAL OF A STREET TRADING CONSENT AT FORECOURT OF 189 HIGHRIDGE GREEN, BRISTOL BS13 8AA  
 APPLICANT: YENER OLGUN (YO)  
 PROPOSED TRADING NAME: GEORGES SNACKS**

The Sub-Committee considered a report of the Director of Neighbourhoods (Agenda Item No. 13) determining an application for the renewal of a Street Trading Consent.

YO was in attendance, accompanied by the site owner and a customer.

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

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

YO put his case and stated that the complainant had started to make complaints about him from his second day of trading; she has stated that she wants his business closed and removed from the site; he does not accept any of the complaints lodged. He has done everything in accordance with the Consent. He only trades for 5 hours per day and all his customers are happy. He tabled a petition of support.

The site owner stated that she had contacted Pollution Control and met with representatives. The complainant lives 3 doors from the business. It had been agreed that the business be monitored for odours. Over an 11 day period there were no odours. The complainant's husband has also been trying to get the business removed from the site. The presence of the van has been beneficial to the area and prevents anti-social behaviour. Most customers telephone their orders and collect by car.

The customer stated that there are no odours and he has never seen rubbish in the vicinity of the van or any anti-social behaviour.

The Licensing Officer stated that there are copies of the complaints to Pollution Control in the file but Licensing have not received anything from Pollution Control. He added that there are complaints from residents in the file not included in the report. There is also a record of YO having recently paid a fee for the Consent.

The Representative of the Service Director, Legal and Democratic Services advised that in view of the documents found in the file, a Consent should be issued to YO and a further report, which includes all relevant information, be brought back before Members prior to the expiration of the Consent. This was agreed.

**RESOLVED - (i) that a Consent should be issued to YO; and  
(ii) that a further report, which includes all relevant information, be brought back before Members prior to the expiration of the Consent.**

(The meeting ended at 3.45 pm.)

CHAIR

**BRISTOL CITY COUNCIL**

**MINUTES OF MEETING  
OF THE PUBLIC SAFETY AND PROTECTION  
SUB-COMMITTEE A  
HELD ON 7<sup>th</sup> JANUARY 2014 AT 10.00 AM**

**Agenda title**

**REPORT OF A CONVICTION RECEIVED BY THE HOLDER OF A HACKNEY CARRIAGE DRIVER LICENCE – AKS**

**Finding of Facts**

AKS was convicted of the offence of driving a motor vehicle whilst using a hand held mobile telephone.

**Decision**

That Members considered the offence of driving a motor vehicle whilst using a hand held mobile telephone to be most akin to the offences of driving without due care and attention (CD10), driving without reasonable consideration for other road users (CD20) and driving without due care and attention or without reasonable consideration for other road users (CD30) in their Policy.

That the Hackney Carriage Driver’s Licence held by AKS be suspended for a period of 6 months.

**Reasons for Decision**

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

Members considered the offences listed in their Policy and decided that the offence of driving a motor vehicle whilst using a hand held mobile telephone to be most akin to the offences of driving without due care and attention (CD10), driving without reasonable consideration for other road users (CD20) and driving without due care and attention or without reasonable consideration for other road users (CD30).

AKS was not in attendance so Members were unable to hear his version of events or any mitigating circumstances relating to the offence.

Members noted that AKS had failed to notify the Licensing Office of his conviction and had failed to attend this Meeting of the Committee. Members noted that this was an isolated conviction and there was no disqualification. However they had concerns about the circumstances of the offence and the location of the offence. They also noted the statement by the Police Officer. They decided that AKS is no longer a fit and proper person to hold a Hackney Carriage Driver’s Licence and suspended his licence for a period of 6 months.

**Chair’s Signature**

**BRISTOL CITY COUNCIL**

**MINUTES OF MEETING  
OF THE PUBLIC SAFETY AND PROTECTION  
SUB-COMMITTEE A  
HELD ON 7<sup>th</sup> JANUARY 2014 AT 10.00 AM**

**PSP 100.1/14**

**Agenda Item No. 8**

**Agenda title**

**APPLICATION FOR THE GRANT OF A STREET TRADING CONSENT AT ROAD NEXT TO GRASSED AREA, ADJACENT TO 16 BELLAND DRIVE, BRISTOL**

**APPLICANT: MR. MALVERN GILLS**

**PROPOSED TRADING NAME: ORANGE BLOSSOM**

**Decision**

That the application be refused.

**Reasons for Decision**

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

As the applicant did not attend the meeting, Members only had the information contained in his application to consider.

Members noted the objection received from Highways and had concerns about the proposed location of the van.

Members therefore agreed to refuse the application.

**Chair's Signature**

**BRISTOL CITY COUNCIL**

**MINUTES OF MEETING  
OF THE PUBLIC SAFETY AND PROTECTION  
SUB-COMMITTEE A  
HELD ON 7<sup>th</sup> JANUARY 2014 AT 10.00 AM**

**PSP 101.1/14**

**Agenda Item No. 9**

**Agenda title**

**APPLICATION FOR THE GRANT OF A STREET TRADING CONSENT AT  
MEAD STREET, BRISTOL  
APPLICANT: NICKY BROWN  
PROPOSED TRADING NAME: NICKY'S NOSH**

**Decision**

That the application for a Street Trading Consent at Mead Street, Bristol during the hours 07.00 to 14.00 Mondays to Saturdays be granted to Nicky Brown, subject to the General 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.

Members noted the contents of the letter submitted by the applicant. Members considered that the presence of the unit in the location proposed is unlikely to cause an adverse impact.

They therefore agreed to the application for the Consent subject to the General Conditions.

**Chair's Signature**

**BRISTOL CITY COUNCIL****MINUTES OF MEETING  
OF THE PUBLIC SAFETY AND PROTECTION  
SUB-COMMITTEE A  
HELD ON 7<sup>th</sup> JANUARY 2014 AT 10.00 AM****PSP 102.1/14****Agenda Item No. 10****Agenda title****APPLICATION FOR THE GRANT OF A STREET TRADING CONSENT  
OUTSIDE 91-93 ALMA ROAD, BRISTOL BS8 2DP  
APPLICANT: LOUISE ABEL  
PROPOSED TRADING NAME: SPOTLESS LEOPARD****Decision**

That the application for the grant of a Street Trading Consent Outside 91-93 Alma Road, Bristol BS8 2DP between the hours 09.00 to 17.00 on Tuesdays, Wednesdays and Thursdays be granted to Louise Abel, subject to the General 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.

Members noted the contents of the letter submitted by the applicant. Members considered that the presence of the unit in the location proposed is unlikely to cause an adverse impact.

They therefore agreed to the application for the Consent subject to the General Conditions.

**Chair's Signature**



**BRISTOL CITY COUNCIL****MINUTES OF MEETING  
OF THE PUBLIC SAFETY AND PROTECTION  
SUB-COMMITTEE A  
HELD ON 7<sup>th</sup> JANUARY 2014 AT 10.00 AM****PSP 103.1/14****Agenda Item No. 11****Agenda title****APPLICATION FOR THE GRANT OF A STREET TRADING CONSENT  
OPPOSITE 13 MAURICE ROAD, BRISTOL BS6 5BZ  
APPLICANT: KEVIN DRAKE  
PROPOSED TRADING NAME: ICE CREAM****Decision**

That that the application for the grant of a Street Trading Consent Opposite 13 Maurice Road, Bristol BS6 5BZ between the hours 11.00 to 18.00 on Mondays to Sundays be granted to Kevin Drake, subject to the General Conditions attached to the Report at Appendix A and the chimes being used only twice per day, and sounding for a maximum of 30 seconds on each occasion.

**Reasons for Decision**

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

Members noted the contents of the letter submitted by the applicant. Members considered that the presence of the unit in the location proposed is unlikely to cause an adverse impact.

They therefore agreed to the application for the Consent subject to the General Conditions plus the Condition relating to the use of the chimes.

**Chair's Signature**

## BRISTOL CITY COUNCIL

MINUTES OF MEETING  
OF THE PUBLIC SAFETY AND PROTECTION  
SUB-COMMITTEE A  
HELD ON 7<sup>th</sup> JANUARY 2014 AT 10.00 AM

PSP 104.1/14

Agenda Item No. 12

**Agenda title**

**APPLICATION FOR THE GRANT OF A STREET TRADING CONSENT AT  
CATHEDRAL WALK, BRISTOL  
APPLICANT: JAKE BLACK  
PROPOSED TRADING NAME: CHOMP**

**Decision**

That the application for the grant of a Street Trading Consent at Cathedral Walk, Bristol between the hours of 07.30 to 14.30 on Fridays be granted to Jake Black, subject to the General 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.  
Members noted the additional information submitted by the applicant.  
Members considered that the presence of the unit in the location proposed is unlikely to cause an adverse impact. They also noted that the application is for only 1 day per week and for relatively short hours.  
They therefore agreed to the application for the Consent subject to the General Conditions

**Chair's Signature**