



Agenda Item No: 4 (I)

Bristol City Council

**Minutes of the Meeting of the
Public Safety and Protection Committee
Sub Committee B
Held on 21 April 2015 10.00am**

Members present:-

Councillor Tincknell (Chair), Councillor Hance, Councillor Jethwa, Councillor Langley

Officers in attendance:-

Jeremy Livitt, Ashley Clark and Carl Knights

1. Apologies for Absence

No apologies had been received.

2. Declarations of Interest

None.

3. Public Forum

None.

4. Consideration of the Suspension of Committee Procedure Rules (CMR10 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.

5. Resolved – that under Section 100A(4) of the Local Government Act 1972, the public be excluded from the meeting for the consideration of the following item, on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 1 Part I of Schedule 12A to the Act (as amended).

6. Report of an Application for a Hackney Carriage Licence – MZ (Containing Exempt Information Under Paragraph 3) (Agenda Item 5)

The Committee considered an application for a Grant of a Hackney Carriage Licence. The applicant (MZ) was present.

The Chair outlined the procedure that would be followed and introductions were made.

The Chair advised the applicant that the role of the committee was to decide if he was a fit and proper person to hold a licence, and in doing so the over-riding factor was that of public safety.

The Licensing Officer summarised the report and drew attention to the key issues as set out in detail in the report. The Sub-Committee withdrew from the meeting to examine the vehicle in question.

It was noted that in this case, since the application for renewal had been made longer than 3 months from the original application, this should be treated by the Sub-Committee as a fresh application.

In response to members' questions, MZ confirmed that it had taken 6 months for the 3rd Party to accept the fault concerning the accident and to repair it. The MoT had been passed subject to an advisory note concerning rust on the vehicle.

The parties withdrew from the room to allow the Sub-Committee to make its deliberations.

Resolved –

- (1) that the panel consider that there is no danger to the public in issuing a licence to MZ who is a fit and proper person to hold a licence and**
- (2) that the reason given for the delay in renewing the licence is reasonable whilst reminding MZ that the current licence will only remain in operation until 2017.**

7. KA – Renewal of Hackney Carriage Driver Licence – KA (containing exempt information in accordance with paragraph 3) (Agenda Item 6)

The Committee considered an application for a Grant of a Hackney Carriage Licence. The applicant (KA) was present.

The Chair outlined the procedure that would be followed and introductions were made.

The Chair advised the applicant that the role of the committee was to decide if he was a fit and proper person to hold a licence, and in doing so the over-riding factor was that of public safety.

The Licensing Officer summarised the report and drew attention to the key issues as set out in detail in the report.

It was noted that, in this case, the Applicant had failed to declare a caution for possession of cannabis on his original application from on 11th November 2013. He did subsequently declare it when he renewed his licence on 10th March 2015. It was noted that this caution is treated the same as a conviction.

The Applicant explained that, although the cannabis was found at the back of the seat that his friend had been sitting in and he had no idea how it had got there, he had felt obliged to accept a caution although he felt it was wrong to do so. He stated that the Police Officer who had stopped his car had advised him that the caution was no worse than a “slap on the wrist”.

He then confirmed that he had subsequently forgotten about the caution and, therefore, had failed to declare it. He also stated that he had not worked for 6 weeks.

The parties withdrew from the room to allow the Sub-Committee to make its deliberations.

Resolved –

- (1) that KA is a fit and proper person and their application to renew their licence is approved;**
- (2) that, despite this, the Sub-Committee takes issue with the applicant for not declaring a caution when applying for a licence, although noting that they had not worked for 6 weeks;**
- (3) that the Sub-Committee states that the Applicant should note that this is a very serious matter and that, in future, they must declare any such offence.**

8. Consideration of a Conviction Received By A Licensed Private Hire Driver - AM (containing exempt information in accordance with Paragraph 3) (Agenda Item 7)

The Committee considered an application for a Grant of a Hackney Carriage Licence. The applicant (AM) was present.

The Chair outlined the procedure that would be followed and introductions were made.

The Chair advised the applicant that the role of the committee was to decide if he was a fit and proper person to hold a licence, and in doing so the over-riding factor was that of public safety.

The Licensing Officer summarised the report and drew attention to the key issues as set out in detail in the report.

The Sub-Committee noted that the Applicant had twice been convicted of offences of a domestic nature (common assault, criminal damage and racially aggravated common assault) on 13th November 2014 and 27th May 2014. It was noted that he had recently started a Building Better Relationships (BBR) course as a programme requirement following his conviction..

The Applicant pointed out that he had not worked as a taxi driver since 2011. In addition, he pointed out that he suffered from Crohn's disease which caused him additional stress as he needed to go to the toilet 5 times a day.

The parties withdrew from the room to allow the Sub-Committee to make its deliberations.

Resolved –

- (1) that AM is not deemed a fit and proper person to hold a taxi driver licence on the grounds of the convictions he had received;**
- (2) that the Sub-Committee wishes AM luck in the BBR Programme which he is taking.**

9. Application for the Grant of a Private Hire Driver Licence – TG (Agenda Item 8) (containing exempt information under paragraph 3)

The Committee considered an application for a Grant of a Hackney Carriage Licence. The applicant (TG) was present.

The Chair outlined the procedure that would be followed and introductions were made.

The Chair advised the applicant that the role of the committee was to decide if he was a fit and proper person to hold a licence, and in doing so the over-riding factor was that of public safety.

The Licensing Officer summarised the report and drew attention to the key issues as set out in detail in the report.

The Sub-Committee noted that, when he applied for a PHD Licence on 12th November 2014, he had a conviction for public order (a caution dated 22nd August 2010), a warning for possession of stolen goods (21st February 2006), a conviction for common assault (9th April 2013) and 2 convictions for battery on 2nd April 2012 and 18th March 2013. He confirmed that the 2 driving offences he had committed were in relation to being on the phone while driving and for going above the speed limit on the motorway.

The Applicant advised that the change from his current job as a gas cooker engineer to being a taxi driver would be less pressurised. He stated that he had stopped drinking. In response to a Sub-Committee Members' question, he stated that he did not have a problem with gay men.

Resolved – that the applicant is not a fit and proper person to hold a Private Hire Drive Licence as he holds 2 serious convictions within the last 5 years but was free to re-apply once the 5 year period within the policy for convictions had expired.

10. Resolved – that the Sub-Committee goes back into open session for the following item.

11. Application for the Grant of a Street Trading Consent – YO (Agenda Item 9)

The Sub-Committee considered an application for the grant of a Street Trading Consent by Mr Yener Olgun. Also in attendance supporting the application was Tim Hirst and Mr Olgun's nephew, Tony Style, who acted as translator for him.

Members agreed to allow an objector (Michael Knight, Manager – Cator Road Regeneration Park) to speak to his objection and outline the reasons for his objection. He made the following points:

- (1) Previous applications for Street Trading Licences had been opposed to preserve the park;
- (2) Members of the public did not want burger vans sited at such a location directly off a roundabout;
- (3) This was currently a quiet park but would bring litter and impact on security at the site, contributing to unwelcome attention into the early morning;
- (4) He was glad to note that 2 local Councillors had opposed this application.

In response to a member's question, the Senior Licensing Officer confirmed that no letters of objection had been received from the local Councillors in this case.

The Senior Licensing Officer introduced this report. He confirmed the following:

- If approved, the Applicant would not be able to trade beyond 23.00 Hours;
- The land is not Bristol City Council property. Medina Dairy were permitting Mr Olgun to trade on their site;
- Following the passing of recommendations to the Trading Standards Manager, officers were recommending refusal.
- It was noted that no objections had been received to the application from the Planning Department or Food Safety.

In introducing his application, Mr Olgun made the following points:

- All customers had always operated in a clean and tidy manner at previous sites where he had traded;
- Arrangements would be made for recycling rubbish
- This was a freehold area of land, not owned by Bristol city Council;
- There was no generator making noise in the van;
- A filter operated in the van which reduced the amount of smell;
- The Applicant would keep control of the site and ensure that people did not hang around the site any longer than necessary;
- The food provided was different to a café – on Sunday Mr Olgun would shut early but there were other cafes along this area of road so demand would always exist;
- The Applicant held a 5 star hygienist certificate;
- Mr Olgun had traded at various locations for 10 years – he had a loyal customer base who followed him to his location;
- He confirmed that he had moved from his previous site near the airport following complaints from residents about the smell. However, since then, a filter had been introduced to the van he was using;
- The Applicant is supporting other businesses with food. Most other businesses on the estate had closed

In response to members' questions, Mr Olgun made the following points:

- Electricity would be provided by Medina Dairy;
- The hours of trading would be 3pm to 11pm Monday to Saturday and 4pm to 10pm on Sunday. This would, therefore, not affect the trade of the nearby café which shut at 2pm;
- Canned soft drinks would also be provided on the menu;
- Customers arrived at his van through a variety of methods including by foot as well as by car;
- There was a recycling bin on the car park in the site. A Company arrived to collect rubbish each week;
- It was noted that a previous application for the Highbridge site had been refused on planning grounds;
- The Applicant had been victimised at the last location where he had been trading (Hartcliffe Social Club);
- The Applicant marked on a plan the intended location of the van and vehicular access routes (Appendix C).

Resolved –

(1) that the application for a Street Trading Consent be approved with the following trading hours:

**Monday to Saturday 3pm to 11pm
Sunday 4pm to 10pm**

(2) that, in view of some concerns expressed by objectors to the potential for noise and smell arising out of the van in question, people should feel free to make an objection if they feel these potential problems are not being addressed by the applicant.

The meeting finished at 2.10pm

CHAIR