

Bristol City Council

**Minutes of a meeting of the
Public Safety and Protection Sub-Committee B
held on 15 July 2014 at 10 am**

P Councillor Hance
P Councillor Lovell
P Councillor Morris
P Councillor Pearce

**PSP
36.7/14 Election of Chair and Vice Chair**

Resolved - that Councillor Hance be elected Chair and Councillor Lovell be elected Vice Chair for the Municipal Year 2014/15 for Sub-Committee B.

**PSP
37.714 Apologies for absence and substitutions**

None received.

**PSP
38.714 Declarations of interest**

Councillor Lovell stated that he was a supporter of Bristol City football team but confirmed that he was not a season ticket holder and that he had an open mind in respect of the related item on the agenda for this meeting (Agenda item 7).

**PSP
39.714 Sub-committee Terms of Reference**

Resolved - that the Terms of Reference agreed at the Annual Meeting of the Public Safety and Protection Committee held on 1st July 2014 be noted.

**PSP
40.714 Public forum**

Name	Subject	Agenda item
Ashton Gate Ltd	General Safety Certificate for Ashton Gate Stadium, Bristol City Football Club Redevelopment Phase 1	7

PSP

41.714 Consideration of the Suspension of Committee Procedure Rules (CMR 10 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.

PSP

42.714 General Safety Certificate for Ashton Gate Stadium, Bristol City Football Club Redevelopment Phase 1 (Agenda item no. 7)

The Sub-Committee considered a report of the Service Director for Neighbourhoods outlining the reason for the application by Ashton Gate Ltd for a new general safety certificate to cover Phase 1 of the redevelopment of the stadium.

The Sub-Committee were advised that Ashton Gate was a designated sports ground for the purpose of the Safety at Sports Grounds Act 1975. A general safety certificate issued by the Council under that Act was in operation and held by Ashton Gate Ltd. The holder was in the process of undertaking a major redevelopment of its stadium at Ashton Gate, had complied with its statutory obligation to give notice of the proposals to the Council and had made an application to replace the safety certificate. This would enable changes in arrangements for Public Safety whilst Phase 1 of the work was being carried out to be carefully considered and appropriate terms and conditions reflected in any new certificate the Committee might decide to grant.

A suitable replacement certificate needed to be in place by August 2014 if the Ground was to be available to host association football and rugby matches. An inability to do so would have a significant impact on the business, the Football/Rugby Clubs and their supporters.

The Sub-Committee were advised of amendments to the report –

- (i) The attendance figures for visitors were now 13,649 for football and 13,895 for rugby;
- (ii) The site plan had been amended to show that the construction site was larger than originally envisaged;
- (iii) Paragraph 48 of Schedule B to the General Conditions of Certificate penultimate and final sentences to now read '*These shall be set out in the fire risk assessment. The holder shall comply with the findings of the fire risk assessment at all specified activities.*' This replaced previous reference to a Fire Plan.

The Sub-Committee were also given assurances that crowd relocation methods would be implemented to ensure that home and away fans would be appropriately segregated. This would significantly add to safety when taken in conjunction with the reduction of the overall capacity of the Ground.

A debate followed during which the following points were made or clarified –

- there would be a loss of car parking facility during the construction phase;
- crowd control methods would be put in place utilising low risk groups occupying known higher risk areas in conjunction with physical partition techniques;
- Officers had delegated powers to make changes to the Safety Certificate as necessary however any major changes might be brought back to the Sub-Committee if deemed significant or appropriate to do so. This would be a matter for the Strategic Director for Neighbourhoods to consider;
- Standing areas for football matches at the Ground was not relevant to Phase 1 of the construction. The stadium will continue to be all seater until the legal position on this contentious issue was clarified by national government and the Safety of Sports Grounds Authority as the appointed regulator. There had been no loss of disabled parking and consultation with disabled groups was on-going to ensure equality of access was maintained;
- Public access to the site for specified activities e.g. football and rugby matches would be prevented when building work

was taking place. When the Ground was being used for other public purposes there were other health and safety regulations and measures to protect the public;

- The Contractor had a responsibility for public safety and a Contract Manager would be on site on match days to deal with any safety issues that might arise;
- The Contractor, Building Control and the Fire Officer had considerable experience with Grounds site development and council officers had powers to vary conditions to the safety certificate if this was needed. This was in addition to the standard building regulations application;

The Sub-Committee was satisfied that safety aspects had been fully considered and it was moved and seconded that the recommendation as set out in the report, and as amended, be approved.

On being put to the vote it was unanimously -

Resolved:

That the Application made by Ashton Gate Ltd to replace the General Safety Certificate for Ashton Gate Stadium, Ashton Road, Bristol be granted, subject to –

- 1. the terms and conditions as set out in the draft General Safety Certificate (Appendix 3 of the report);**
- 2. the following amendments to the published report:**
 - (i) The attendance figures for visitors to read 13,649 for football and 13,895 for rugby;**
 - (ii) The amended site plan showing that the construction site was larger than originally shown;**
 - (iii) Paragraph 48 of Schedule B to the General Conditions of Certificate penultimate and final sentences amended to read ‘These shall be set out in the fire risk assessment. The holder shall comply with the findings of the fire risk assessment at all specified activities’.**

**PSP
43.714**

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.

PSP

44.714

Application for the Grant of a Private Hire Driver Licence, KT Exemption - MP (Agenda item no. 9)

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

Purpose of report

To seek consideration of an application for the grant of a Private Hire Driver licence without the need to take the Knowledge Test.

MP was in attendance accompanied by GH employer.

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

The Licensing Officer introduced the report and drew members' attention to the reasons for this application as detailed in the Appendix 1 to the report.

Both the Applicant and representative put the case to the Sub-Committee. They then answered questions from committee members emphasising the following points:

- MP's role in the company was marketing, accounting and chauffeuring and not as a private hire driver. Therefore it was considered that he did not need to take the Knowledge Test (KT);
- Most of the company's work (90%) was in London not Bristol;
- MP would not do any driving work in Bristol and most of other work would be in London;
- The KT would take two months to obtain due to waiting list for tests and this was too long to wait;
- The previous employee whom MP had replaced was not driving in Bristol and GH said that he took all possible measures to take

back private hire driving licences when employees left;

- Chauffeur work was a significantly higher standard compared to private hire work;
- There was no specific chauffeur licence as this came under the private hire licence;
- If MP worked in Bristol GH conceded that the KT would be necessary;
- The Sub-Committee could not allow other employees to be exempt from taking the KT as there were no powers to control them if they worked elsewhere;
- GH confirmed that he would not be applying for anymore KT exemptions for his employees and now that he was fully aware of the limitations of this approach he would build in measures to allow enough time to obtain KT in good time;
- The Applicant then summed up his case.

All parties and the representatives of the Director of Neighbourhoods left the room.

The details of the Committee's findings and reasons for the decision are set out below.

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

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

Resolved - that the Application for exemption from the Knowledge Test be approved subject to:

- (i) All necessary information for a private hire licence being made available to the Council;**
- (ii) The Licence to be kept in secure storage by the employer;**
- (iii) All journeys to be booked through the operator only;**
- (iv) The Licence to be reviewed after one year;**
- (v) In future compliance with normal procedures and no**

further requests for an exemption for the KT due to the costs of enforcement that might fall to the Council if this practice was allowed to proliferate.

PSP

45.714

Application for the Grant of a Private Hire Operator Licence - MR (Agenda item no. 10)

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

Purpose of report

To consider an Application for the grant of a Private Hire Operator licence.

MR was in attendance accompanied by his wife.

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

The Licensing Officer introduced the report and drew members' attention to the reasons for this application as detailed in the report.

Both the Applicant and representative put the case to the Sub-Committee. They then answered questions from committee members emphasising the following points:

- MR said he wanted a second chance at life;
- MR was married and looked after his children;
- MR admitted to receiving a caution for possession of cannabis in January 2014 and that this was not shown on the CRB;
- MR was self-employed and currently ran a shop business;
- MR admitted that there had been an incident regarding the selling of alcohol to an under-age person three years ago which had been carried out by his business partner and that he was not on the premises at the time the incident took place;
- MR was hoping to set up a private hire business as he had noticed an opportunity for this in his local neighbourhood;
- MR summed up his case.

All parties and the representatives of the Director of Neighbourhoods left the room.

The details of the Committee's findings and reasons for the decision are set out below.

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

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

Resolved - that the Application be refused as MR had not convinced the Sub-Committee that he had changed enough to be a 'Fit and proper person' under the Council's Policy and with regard to Section 55 of the Local Government (Miscellaneous Provisions) Act 1976.

PSP

46.714

Application for the Grant of a Private Hire Vehicle Licence – SM (Agenda item no. 11)

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

The Sub-Committee were advised that this application had been deferred.

The following items were considered in Open (Non Exempt) Session

PSP

47.714

Application for the Renewal of Street Trading Consent - Georges Snacks (Agenda item no. 12)

The Sub-Committee were advised that this application had been deferred pending planning permission.

PSP

48.714

Application for the Grant of Street Trading Consent - Simply Delicious (Agenda item no. 13)

Purpose of report

To determine an application for the grant of a Street Trading

Consent at Kellaway Avenue, Bristol.

The Applicant was not in attendance and was represented by his agent Mr R Navaretti.

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

The Licensing Officer introduced the report and drew members' attention to the reasons for this application as detailed in the report.

The Applicant's representative put the case to the Sub-Committee. He then answered questions from committee members emphasising the following points:

- The Applicant was passionate about providing a quality food service;
- The vehicle for the business was a state of the art purpose built van;
- The road was considered by the Applicant to be wide enough to trade safely;
- The service to the public would be good;
- A short term approval would be acceptable to the Applicant;
- The Applicant would have a business partner to help with the workload;
- Food waste would be recycled;
- No formal market research had been undertaken to ascertain likely demand for the business;
- The Agent for the Applicant summed up the case.

All parties and the representatives of the Director of Neighbourhoods left the room.

The details of the Committee's findings and reasons for the decision are set out below.

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

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

Resolved - that the Application be refused on the grounds of the highway officer's objection, the potential for significant litter pollution and the concerns raised by the local community.

PSP

49.714

Date of Next Meeting

Resolved – that the next meeting will be held on 29 July 2014 and is likely to be a meeting of the Sub Committee A.

(The meeting ended at 1.55 pm)

CHAIR