

## **DISCLAIMER**

**The attached minutes are DRAFT minutes. Whilst every effort has been made to ensure the accuracy of the information, statements and decisions recorded in them, their status will remain that of a draft until such time as they are confirmed as a correct record at the subsequent meeting.**



**Agenda Item No:**

**Bristol City Council**  
**Minutes of the Public Safety and Protection Committee**  
**(Sub-Committee B)**

Tuesday, 26 January 2016 at 10am

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**Members Present:-**

Councillors Tincknell, Langley, Davies, Hance

**Officers in Attendance:-**

Kate Burnham-Davies - Solicitor, Carl Knights – Senior Licensing Policy Officer, Louise deCordova – Democratic Services, Emma Lake – Licensing Team Leader, Abi Holman – Senior Licensing Policy Officer, Tracey Kerr - Licensing Officer (observing)

**1. Apologies for absence and substitutions**

Apologies: Councillors Stafford-Townsend, Morris

Substitutions: Councillor Hance substituted for Councillor Stafford-Townsend

**2. Declarations of Interest**

There were no declarations of interest.

**3. Public Forum**

It was noted that no Public Forum items had been received..

**4. Minutes – PSP Sub-Committee B – Tuesday 17th November 2015**

**Resolved – that the minutes of the above meeting be agreed and signed by the Chair.**

**5. Consideration of the Suspension of Committee Procedure Rules (CMR 10 and CMR 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 Procedure Rules relating to the moving of motions and the rules of debate (CMR 10 and CMR 11) be suspended for the duration of the meeting.**

**6. Report to consider four applications for the Grant of Street Trading Consent(s) at paved area by the fountains outside City Hall, College Green Bristol. Applicants: Chris Tayler – Daily Espresso, Bridget Pilkington – Vee Double Moo, Bayram Demiroglu – Anatolia and Honore Sanjivi – Tokyoyaki.**

It was noted that there were four applicants for the same location and three were in attendance.

The Chair made introductions and outlined the procedure.

The Licensing Officer summarised the report. The Sub-Committee noted that the objections were summarised in Appendices H, I and J.

The applicants made the following comments:

**Christina and Honore Sanjivi – Tokyoyaki.**

- They had purchased the business from a previous leaseholder of the pitch applied for who had sold hot Chinese food.
- They wished to sell hot Japanese food. First 'light takeaway food' in Bristol. Plain food with no strong flavours, smells or smoke.
- They were happy to compromise on the requested operating hours but asked that consideration was given for the request to operate at lunchtime, rather than a 2pm start.
- Understood litter concerns within the objections that had been received and wanted to assure the Committee that they took pride in their business and would ensure litter bins were provided, litter was collected and recyclable materials were used and provision made for recycling.
- The Applicant had worked in micro biology setting and had a commitment to food hygiene
- Intended to purchase a smaller trailer in order to meet the concerns regarding the pavement and curb and the dimensions required by the Council and of the site

**Chris Tayler – Daily Espresso**

- Provision of local coffee, tea, breakfast pastries and snacks in a small quirky, fully branded trailer which was smart and presentable.
- Currently uses a generator but would want to plug into electricity on site.
- Happy to compromise on times and share the site but ask the Committee to consider the wish to trade during lunchtimes
- Would provide litter bins and recycling facilities

**Bridget Pilkington – Vee Double Moo**

- Had previously operated on Brandon Hill and had 5yrs experience trading and a loyal following
- The generator was not diesel operated and would elect to use the electricity mains connection available
- Sold enhanced ice-cream styled as a gourmet Mr Whippy
- Was passionate about street food and aware of increasing demand for street food nationally

- Awareness of concerns over litter and as a former environmental consultant, was confident will be as green as possible with little litter generated as the customers will purchase a fully edible product in a cone.
- Operation Saturdays and Sundays in a vintage van with an installed ice-cream machine.

### **Bayram Demiroglu – Anatolia**

The Sub-Committee noted the written application but were unable to explore the application further as the applicant was not in attendance.

The Sub-Committee retired to make its decision in the presence of KBD and LdeC.

#### **The Sub-committee resolved:**

**That the application for a Street Trading Consent for Bayram Demiroglu – Anatolia be rejected for the following reasons:**

- Applicant was not present and the contents of the application could not be explored.
- Hot food was not considered to be appropriate in that location
- The unit was considered to be aesthetically inappropriate
- There were concerns regarding operation of two units on the same site for the same operating hours

**That the application for a Street Trading Consent for Anatolia and Honore Sanjivi – Tokyoyaki be rejected for the following reasons:**

- Hot food was not considered to be appropriate and therefore not viable in that location
- There were concerns regarding operation of two units on the same site for the same operating hours
- Concerns regarding safety for the public during handover

**That the application for a Street Trading Consent for Chris Tayler – Daily Espresso be approved subject to conditions:**

- As requested by the Licensing Authority in the report
- The mobile unit is not to run on a generator
- That the operator effectively disposes of waste from the premises
- That the operator does not operate during Council run events without seeking approval from the event organiser

**That the application for a Street Trading Consent for Bridget Pilkington – Vee Double Moo be approved subject to conditions:**

- As requested by the Licensing Authority in the report
- The mobile unit is not to run on a generator
- That the operator effectively disposes of waste from the premises
- That the operator does not operate during Council run events without seeking approval from the event organiser

- 7a. Report to consider an application for the Grant of Street Trading Consent at parking area in the cul-de-sac outside Harford House, Frogmore Street, Bristol. Applicant: Juliet White. Proposed trading name: Blu-Fire Smoke 'n' Grill.**

**7b. Report to consider an application for the Grant of Street Trading Consent at Pavement Area between 2 Trees in Front of The Red House and 30 Trenchard Street, Trenchard Street, Bristol. Applicant: Juliet White. Proposed trading name: Blu-Fire Smoke 'n' Grill.**

The Committee noted that the applicant had made two applications for the same unit in a similar location and agreed to consider them (Item 7a. and Item 7b.) together.

The Chair made introductions and outlined the procedure.

The Licensing Officer summarised the report. The Sub-Committee noted that the objections were summarised in Appendices D.

The applicant made the following comments:

- Having read the residents' concerns they sympathised but felt that as they were selling food and not alcohol this may have a positive effect by reducing the effects of the alcohol consumption, although recognised this could not be proven
- Were minded to withdraw the application to operate outside of The Red House due to refurbishment works that were due to commence on site
- Were minded to reduce their requested hours of operation to Mon to Thur, 6pm to 11pm and Fri to Sun, 5pm to 2am.
- Recognised that operating past 11pm required a premises license
- Had purchased a colourful kiosk for the site which had had its tow bar removed and would occupy two parking spaces at the location on a permanent basis

The panel recognised at this stage that the applicant's assertions differed significantly from the information contained within the original application which had been consulted upon with interested parties. The panel noted that Highways and Planning may need to be consulted regarding the siting of a fixed kiosk rather than a removable mobile unit and that Parking Services would need to be consulted regarding the use or decommissioning of two metred car parking spaces.

**The Sub Committee resolved:**

**To adjourn the meeting and reconvene at a suitable future date once full details of the application had been consulted upon.**

**8. Exclusion of the Press and Public**

**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 items of business, on the grounds that they involve the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A of the Act (as amended).**

**9. Report to consider an application for the Grant of a Hackney Carriage Driver Licence and exemption from the Knowledge Test - AC**

(Exempt Paragraph 3 – information relating to a person's financial or business affairs)

The Sub-Committee noted that an application which had been received for the grant of a Hackney Carriage Driver Licence and exemption from the Knowledge Test had been withdrawn.

**10. Report to consider an application for the Grant of a Private Hire Driver Licence exemption from the Knowledge Test - MS**

(Exempt Paragraph 3 – information relating to a person’s financial or business affairs)

The Chair made introductions and outlined the procedure.

The Licensing Officer summarised the report. The Sub-Committee noted that it needed to be content that the applicant was a fit and proper person based on the facts of the application.

The following points were made by the applicant:

- Contracted to Denholm Wilhelmsen Ltd, a large shipping company based in Avonmouth Docks, carrying out the majority of their logistical requirements
- Majority of work will be long distance motorway journeys to either the London based airports, or to South Wales. Transporting off-signing crew members from a vessel in either Royal Portbury or Avonmouth Docks and delivering those crew with luggage to a designated airport.
- Other work will include regular round trips to and from the major ports of South Wales (Newport and Cardiff) to Bristol Airport.
- No intention to carry out private hire in and around Bristol and will therefore not require in depth knowledge of the roads and streets and therefore request exemption from participating in the Knowledge Test.

The Sub-Committee retired to consider the application in the presence of KBD and LdeC.

Members noted that should they decide to make an exception to the Policy, they must be satisfied that the exception is justified. Following careful consideration of all of the written and verbal evidence presented to the Committee it was agreed that the applicant be granted exemption from the Knowledge Test but that exemption to the other elements of the fit and proper test including the BTEC Introduction to the role of the professional taxi and private hire driver (L2) certificate and World Host training certificate (Gold Standard) be refused.

The parties returned to the room and were advised of the Committee’s decision.

**The Sub Committee Resolved:**

**That the applicant was a fit and proper person and therefore agreed to grant the private hire driver licence subject to the outstanding elements of the fit and proper person criteria excluding the knowledge test. The License will therefore granted under section 51 (1) (a) of the Local Government (Miscellaneous Provisions) Act 1976. The Sub-Committee agreed to depart from the policy and agree to exemption from the knowledge test**

**Reasons :-**

- **The Sub-Committee was satisfied that the applicant would be working exclusively as a contractor for Denholm Wilhelmsen Ltd with pre booked clients, primarily outside of the Bristol area.**

- **The driver had agreed to voluntarily surrender his badge should the contract with Denholm Wilhelmsen Ltd come to an end.**

**The following application was held in open session**

- 11. Report to consider an application for the Renewal of a Hackney Carriage Licence 646. Applicant Mr Shamsur Rahman Alshamsi.**

The Sub-Committee noted an application which had been received for the renewal of a Hackney Carriage Licence 646. As the applicant was not in attendance, the Sub-Committee felt they could not make a decision on this issue at this time, but as this was the first time the applicant had not attended it was to be made clear that the matter might be determined in his absence if he failed to attend a second time

**Resolved: that the application be deferred to a future meeting.**

- 15. Date of next meeting.**

Tuesday, 2 February 2016 and is a meeting of Sub-Committee B.

CHAIR

(The meeting ended at 2.35pm)