



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

Tuesday 17 November 2015 at 10am

Members Present:-

Councillors Tincknell, Langley, Davies (Part), Hance (Part)

Officers in Attendance:-

Elaine Kale, Carl Knights, Louise deCordova, Sarah Flower, Licensing Policy Officer Rebecca Sutton?
(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 A – Tuesday 13th October 2015

Resolved – that the minutes of the above meeting be referred to the Chair of Sub-Committee A.

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. Mr Puish Taylor - Application for the renewal of a Hackney Carriage Licence 46

The Sub-Committee noted an application which had been received for the renewal of a Hackney Carriage Licence. 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 second 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 third time

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

7. 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).

8. Application for the renewal of a Hackney Carriage Vehicle Licence – SZ

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

It was noted that Mr Siddiq was in attendance to support the applicant

The Chair made introductions and outlined the procedure.

The Licensing Officer summarised the report and explained the mechanism by which transitional rights operated for the proprietors of hackney carriages following the introduction of a new vehicle specification in 2008.

The Sub-Committee noted that it needed to be content that there were exceptional circumstances to allow a renewal out of time by more than a few days and to depart from their policy based on the facts of the application. If a renewal out of time were allowed the Sub-Committee had then to consider whether to allow an exception to the new vehicle specification policy and renew the licence for the vehicle.

The following points were made by the applicant:

- She was the proprietor of the hackney carriage which she sold to Mr S in April 2013
- She mistakenly believed that she retained proprietorship of the licence plates
- she was unaware of the operation of the transitional rights because Mr S dealt with the vehicle
- the requisition renewals had not been completed with the deliberate intention to deceive the licensing authority but she had made were a genuine mistake
- she was unaware of any requirement to notify the licensing authority of a sale or transfer of the vehicle

The Sub-Committee retired to consider the application in the presence of EK 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 unanimously agreed that the application should be refused.

The parties returned to the room and were advised of the Committee's decision. The details of the Committee's findings and reasons for the decision are set out below.

Resolved: that the applicant had not demonstrated exceptional reasons to depart from the Council Policy and allow a renewal after 30 months and therefore the Sub-Committee refused to renew the licence.

Reasons:

- 1. The Licensing Sub-Committee noted that the applicant appeared not to have any knowledge or understanding of the requirements that they felt entitled to expect from the proprietor of a hackney carriage**
- 2. The requisitions to renew the licence in October 2013, April 2014 and October 2014 were not valid as a matter of law as they were not made by a proprietor or part proprietor of the vehicle and so the licence had not been validly renewed since April 2013. In addition, these requisitions failed to mention other persons having an interest in the vehicle.**
- 3. The applicant failed to notify the Council of the transfer of the vehicle as she is required to do by law**

9. Application for the grant of a Private Hire Driver Licence – FK
(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:

- The offence and caution had occurred on 11 November 2013.
- He had been experiencing domestic difficulties at the time of the incident and had not been in a good state of mind.
- He regretted very much what had happened but no-one else was involved or had been hurt.
- He hadn't notified the licencing authority as he had been afraid of correspondence going to his home address and had been desperate to keep the incident from his family
- He assured the Sub-committee that he had no intention of driving to that area of the city again and had attended a Change Course run by Avon & Somerset Constabulary which had been extremely helpful.
- The Sub-Committee noted his clean drivers licence
- The Sub-Committee noted the applicant's demeanour and that he had been very forthcoming about the circumstances which led to the incident.

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

Resolved: the applicant was given a stern warning as to the serious nature of the matter and in particular his failure to notify the Council of the caution at the appropriate time. However,

having heard his explanation the Sub-Committee was satisfied this was an isolated incident and that the applicant was a fit and proper person to hold a Private Hire Driver licence notwithstanding the caution.;

10. Application for the grant of a Hackney Carriage Driver Licence – SS
(Exempt paragraph 3 - Information relating to a person's financial or business affairs)

It was noted that an interpreter and a friend were in attendance to support the applicant.

It was noted the Hackney Carriage Driver Licence application had been an error and should have referred to an application for Private Hire Driver. The Sub-committee resolved to treat the application as an application for a Private Hire Vehicle.

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:

- Regretted committing the offences and had been under enormous pressure to work to provide for his family and pay his mortgage at the time of the offences
- He had always worked and never been a burden on the State
- His vehicle had always been comprehensively insured but he had not realised that plying for trade as a Private Hire Driver would invalidate his insurance
- He assured the Sub-committee that he would never breach the rules of his licence again

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

Resolved: that the applicant was not deemed a fit and proper person to hold a Private Hire Driver licence ;

Reasons:

- **The Sub-committees overriding consideration was the safety of the public and the sub-committee was concerned that the applicant had received two motoring convictions for major traffic offences in the last 10 years which included driving without valid insurance**
- **The applicant had not declared the conviction on his application form although subsequently declared that his DVLA licence had been revoked in December 2013**
- **The Council policy stated that where an applicant has been disqualified from driving because of a major traffic offence the application will generally be refused**
- **The Sub-Committee were sympathetic to the applicant's personal financial circumstances but could not take this into consideration in reaching the decision**

11. Request for exemption from the requirement to display vehicle identification plates and fit tinted windows– NB

The Sub-Committee noted an application which had been received for the exemption from the requirement to display vehicle identification plates and fit tinted windows. As the applicant was

not in attendance, the Sub-Committee felt they could not make a decision on this issue at this time.

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

As this point in the meeting Councillor Davies left the meeting.

The following application was held in open session

12. Mr Bayram Demiroglu application for the grant of a street trading consent at pavement area outside of car park, Redcliffe Street, Bristol.

It was noted that Councillor Shah was in attendance to support the applicant.

The Chair made introductions and outlined the procedure.

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

The applicant made the following comments:

- He wished to operate on the pavement area outside the car park on Redcliffe Street between 07:00 and 15:00 hours Monday to Saturday selling falafel, hummus, kidney beans and vine leaves. He wished to sell middle eastern healthy foods and not the usual burgers and chicken;
- He would leave his trailer by the fences at 4/5am and tow it back at 5/6pm. He would leave his car in the car park near the trailer.
- If successful intended to apply for an annual parking permit in the car park
- His research had shown there was good footfall in the location and no other mobile outlets in the vicinity
- Since the last hearing he had decorated his trailer in order to make it smart and suitable for the proposed location
- He would be responsible for litter generated by the unit by having small bins or employing a contractor to remove and dispose of the rubbish
- He did not expect to cause any damage by driving on and off the paving area but would take full responsibility to make good any damage to pavements or barriers
- He was an experienced mobile food operator and previous restaurateur.

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

The Sub-committee resolved:

- **That the application for a Street Trading Consent be approved subject to conditions:**
 - **A period of 6 months**
 - **That consumables such as food packaging displayed the business logo in order that waste from the business was easily identified**
 - **The mobile unit is not to run on a generator**
 - **That the operator effectively disposes of waste from the premises.**

As this point in the meeting Councillor Hance left the room

13. 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).

14. Application for the grant of a Private Hire Driver Licence – IA

The Sub-Committee noted an application which had been received for the renewal of a Private Hire Driver Licence. As the applicant was not in attendance, the Sub-Committee felt they could not make a decision on this issue at this time.

Resolved: that the application be deferred to a future meeting

15. Date of next meeting.

22 December 2015 and is a meeting of Sub-Committee A.

CHAIR

(The meeting ended at 3.30pm)