

**BRISTOL CITY COUNCIL**

**MINUTES OF A MEETING OF THE  
PUBLIC SAFETY AND PROTECTION SUB-COMMITTEE A  
HELD ON 20<sup>TH</sup> OCTOBER 2010 AT 10.00 A.M.**

A Councillor Muriel Cole  
A Councillor Brenda Hugill  
P Councillor Jay Jethwa  
P Councillor Tim Leaman  
P Councillor Guy Poultney (in the Chair)

**PSP**

**77.10/10 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS AND  
DECLARATIONS OF INTEREST**

**(i) Apologies**

Apologies were received from Councillor Hugill.

**(ii) Declarations of Interest**

Councillor Jethwa declared that she knew the applicant who had applied for the Consent at Kilburn Street through the community but had had no contact with her in relation to this application.

**PSP**

**78.10/10 PUBLIC FORUM**

Nothing was received.

**PSP**

**79.10/10 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**

**80.10/10 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 I of Schedule 12A to the Act, as amended.**

**PSP**

**81.10/10 APPLICATION FOR THE GRANT OF PRIVATE HIRE DRIVER'S LICENSE - RA**

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

The Sub-Committee considered an exempt report of the Director of Neighbourhoods (agenda item no. 5) considering whether any action is required as a result of a recent conviction at Bristol Magistrates' Court.

RA 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.

RA then made representations in support of his application and answered questions highlighting the following:

- This was his first offence and it was an accident as a result of an affray. He had never done anything like this before
- He was first licensed as a Private Hire Driver in August 2006
- It was related to an earlier incident a few months previously when the owners of a taxi/private hire company had (allegedly) come to his house, broken down his door, beaten him up and hospitalised him; the incident had yet to come to court

- The owners of the taxi/private hire company had also (allegedly) attacked his brothers and a friend
- They had attended the Police Station and the Police had asked them to obtain the registration number of a vehicle
- They had then gone to the Office of the taxi/private hire company to obtain the number and when they were writing it down, they were confronted by the owner and others
- His brother and a friend had taken the wheel braces from the boots of their cars to defend themselves as a result of the previous alleged attacks
- RA had been provoked and may have hit the door
- RA had previously worked for the taxi/private hire company but, along with other drivers, had left to work for another company that had offered them more money
- The owner of the taxi/private hire company had accused RA of taking his drivers
- The others involved in the incident had been convicted and although had initially pleaded not guilty, on the advice of his solicitor he had changed his plea to guilty; he also wanted to go on holiday to Pakistan
- He summed up his case

The Licensing Officer clarified that as a result of an alleged assault there had been a demonstration outside the Office of the taxi/private hire company in January and also a demonstration outside the Licensing Office. However those accused of the assault were not were licensed by BCC.

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

**RESOLVED -** that the application for a Private Hire Driver's Licence made by RA be refused on the ground contained in section 51 of the Local Government (Miscellaneous Provisions) Act 1976 in that he has not satisfied the Council that he is a fit and proper person to hold such a licence.

**THE FOLLOWING ITEMS WERE CONSIDERED IN OPEN (NON-EXEMPT) SESSION**

**PSP**

**82.10/10 APPLICATION FOR A STREET TRADING CONSENT AT WARWICK ROAD, EASTON  
APPLICANT: PICKKY CHORTHONG  
PROPOSED TRADING NAME: ISIS 2**

The sub-committee considered a report of the Director of Neighbourhoods (agenda item no. 6) to determine an application for the grant of a Street Trading Consent at Warwick Road, Easton.

The applicant and her partner were in attendance.

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

The Licensing Officer introduced the report and summarised it.

The applicant's partner then made representations in support of the application and answered questions highlighting the following:

- Whilst objectors stated that there are enough food outlets in the area, most sell halal food and this would be the only one selling non halal food to people who live and work in the area
- They have been trading on an adjacent site for 4 months but are required to move as the site is being redeveloped
- During the time that they have been trading they have built up a customer base and established good relations with neighbours

- Knightstone Association will no longer allow them to trade on the site
- Although they had applied to trade until 23.00 hours each day, they only intended to trade until 17.00 hours each day
- Although Highways had objected to the application, the street was not restricted in terms of parking and the trailer was no wider than a car, and if parked legally it was the responsibility of other drivers to be careful
- If granted a Consent they would probably leave the trailer at the location in question overnight
- They were not aware of any other suitable sites in the immediate locality but had lodged applications for sites in other areas
- They are responsible people and do not want to cause any inconvenience to anyone
- The trailer would be powered by a silent generator
- All litter would be removed from the site at the end of each day; all food would be removed from the trailer at the end of each day; an extractor fan to remove food smells would be fitted if required but there are no residents near enough to be affected by food smells
- He summed up their case

The Licensing Officer advised Members that the van was 12 feet long by 5 feet wide.

The Licensing Officer explained that whilst the company working on their previous site - Leadbetter - were prepared to allow them to continue to trade there, the developers - Knightstone Housing - had refused them permission to remain on the site.

The Licensing Officer also suggested that should the Consent be granted, a condition be attached to it requiring the removal of the trailer from the site at the end of each day's trading.

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

**RESOLVED - that the application for a Street Trading Consent at Warwick Road be refused.**

**PSP**

**83.10/10 APPLICATION FOR A STREET TRADING CONSENT AT HAMMERSMITH ROAD, EASTVILLE  
APPLICANT: PICKKY CHORTHONG  
PROPOSED TRADING NAME: ISIS CATERING 2**

The Licensing Officer advised Members that the applicant had decided to withdraw this application.

**PSP**

**84.10/10 APPLICATION FOR A STREET TRADING CONSENT AT PAVED AREA, PARK STREET ENTRANCE TO THE COUNCIL HOUSE, COLLEGE GREEN  
APPLICANT: UMUT SAVAS  
PROPOSED TRADING NAME: HUBBLE BUBBLE**

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 at Paved Area, Park Street Entrance to the Council House, College Green.

The applicant was in attendance accompanied by his partner and his sister.

There were also 4 objectors in attendance.

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

The Licensing Officer introduced the report and summarised it.

The applicant's partner then made representations in support of the application and answered questions highlighting the following:

- It would compliment the coffee van already trading on the site and their trailer would not arrive until the coffee van left the site
- They would only trade during the evening and night
- Food smells would not affect any residents
- The applicant has worked in this type of business for 10 years
- The business would not compete with businesses in Park Street but would compliment them
- The trailer would use a silent generator
- In relation to the objection from the Police, the trailer will be managed properly and although there are problems in this area, one small trailer would not cause any additional problems or add to the impact of crime and disturbance in the area
- All BCC litter requirements will be complied with and there will be no tables or chairs

Objector 1 made a statement highlighting the following:

- Objected to the application on the grounds of location and operating hours
- There would be increased noise from people and additional cooking smells
- Litter would be dropped in the immediate vicinity and in other places, and would attract seagulls
- All other fast food businesses in the vicinity are in buildings
- The coffee trailer provides a good service, is kept very clean and does not cause any problems

Objector 2 made a statement highlighting the following:

- This is completely the wrong location

- The trailer is an eyesore in such an attractive location
- The hours are too long
- There will be car parking problems
- Litter will be left in the water features and the Council will have to pay for it to be cleared up
- There is no need for another food outlet in a residential area

Objector 3 made a statement highlighting the following:

- People in the area pay high rents and rates
- It will impact adversely on other traders in the area
- Police already have difficulty keeping control in the area and another fast food outlet will cause more problems
- Litter will be left everywhere in the area

The applicant's partner summed up their case.

The Licensing Officer advised Members that the trailer is approximately 8 feet by 6 feet.

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

**RESOLVED - that the application for a Street Trading Consent at Paved Area Park Street Entrance to the Council House be refused.**

**PSP  
85.10/10**

**APPLICATION FOR A STREET TRADING CONSENT AT CHARLTON ROAD NEAR JUNCTION WITH KING JOHN'S ROAD, ST. GEORGE**



**APPLICANT: GOKTUG OZER**  
**PROPOSED TRADING NAME: ANATOLIA KEBABS**

The Sub-Committee considered a report of the Director of Neighbourhoods (agenda item no. 9) determining an application of a Street Trading Consent at Charlton Road near junction with King John's Road, St. George.

The applicant was in attendance.

There were also 4 objectors in attendance.

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

The Licensing Officer introduced the report and summarised it.

The applicant then made representations in support of the application and answered questions highlighting the following:

- He is 19 years old and lives in the area with his uncle
- He will ensure that the business is run properly and that there is no trouble
- He will use a silent generator and will ensure that the area is cleaned up at the end of each day's trading
- He will be selling kebabs, burgers, chips and cold drinks - the adjacent pub does not sell food
- He will move trailer at the end of each day
- He would be willing to clear away all rubbish after close of business each day
- If he is unable to park on any given day he will not trade
- His busiest time will be between 8.00 and 10.00 pm
- His customers will be mostly local including from Elton Road

The Licensing Officer advised Members that the trailer is 10 feet by 8 feet. He also noted that the road in question is about the same width as Warwick Road, but much busier.

In response to a comment from a local resident, the Representative of the Service Director, Legal Services advised Members that there is no statutory requirement to consult local residents in respect of Street Trading Consent Applications. It is BCC Policy to do this.

The Licensing Officer stated that in accordance with the Policy everyone within 100 metres of the site had been consulted resulting in 127 letters being sent out.

Objector 1 made a statement highlighting the following:

- This is an unsuitable location
- There are already parking problems in the area and this will make them worse
- It will encourage people to come into the area
- It is an already busy road
- There will be litter problems

Objector 2 made a statement highlighting the following:

- The unit is too large for the location and will cause an obstruction
- There is already parking on both sides of the road and it is near Speedwell Fire Station
- Articulated lorries and buses also use the road
- There will be problems with the smell of cooking
- The hours are unacceptable in a residential area
- There are a number of other fast food outlets in the area

Objector 3 made a statement highlighting the following:

- Agreed with everything already said by other objectors
- The trailer is too large for such a busy road

- Parking is always a problem
- The adjacent pub used to be the scene of a lot of noise but is now quieter, does not want any other potential sources of noise in the area
- It is not an appropriate location for such a business

Objector 4 made a statement highlighting the following:

- Agreed with everything already said by other objectors
- The trailer will be parked outside the gate to a field
- It will attract the wrong type of people to the area
- Generators are always loud
- The location outside a pub is the wrong location
- There is an objection from the local MP

The applicant summed up his case.

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

**RESOLVED - that the application for a Street Trading Consent at Charlton Road near the Junction with King John's Road be refused.**

**PSP**

**86.10/10**

**APPLICATION FOR A STREET TRADING CONSENT AT  
KILBURN STREET BS5 6AW  
APPLICANT: JANE PHILLIPS  
PROPOSED TRADING NAME: KALABASH CATERING**

The Licensing Officer advised Members that he had received a very late notification that the applicant would not be attending the Meeting.

As no proper explanation had been received from the Applicant as to the non-attendance and an objector was in attendance who had been waiting in the foyer, the Members decided to consider the application in the applicant's absence..

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 at Kilburn Street BS5 6AW.

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

The Licensing Officer introduced the report and summarised it.

The Members noted the details of the application.

The objector made a statement highlighting the following:

- There was no need for this trailer in this location as there is a take away less than 100 metres away
- The Community Centre sells food and there are a number of other food outlets in the area
- Parking is a real problem and the mosque holds several times a day which adds to the congestion
- It is not clear how the trailer will be left parked
- There is already noise from the public house and this would add to the noise
- Litter will be left in the area

The Licensing Officer advised Members that the trailer is 8 feet 6 inches long by 5 feet wide by 7 feet 6 inches high.

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

**RESOLVED - that the application for a Street Trading Consent at Kilburn Street be refused.**

**PSP**

**87.10/10 APPLICATION FOR A STREET TRADING CONSENT OUTSIDE  
105 MINA ROAD BS2 9YD  
APPLICANT: JIRI MIZER  
PROPOSED TRADING NAME: J.M. SNACK BAR**

It was brought to the attention of Members that although letters had been sent to local residents and businesses, one local resident/business had not received a consultation letter in relation to this application, had not had sufficient time to properly consider it and wished to have more time to lodge an objection to it. It was therefore: -

**RESOLVED - that consideration of this application should be deferred until a future meeting.**

**PSP**

**88.10/10 DATE OF NEXT MEETING**

**RESOLVED - that the next meeting will be held on Tuesday 26<sup>th</sup> October 2010 at 10.00 a.m. and will be a meeting of Sub Committee B.**

(The meeting ended at 3.50 pm.)

CHAIR

## BRISTOL CITY COUNCIL

**MINUTES OF MEETING OF THE  
PUBLIC SAFETY AND PROTECTION SUB-COMMITTEE A  
HELD ON 20TH OCTOBER 2010 AT 10.00 A.M.**

PSP 81.10/10

Agenda item no: 5

**Agenda title**

**APPLICATION FOR THE GRANT OF PRIVATE HIRE DRIVER'S  
LICENSE - RA**

**Finding of Facts**

- RA had been convicted of an offence of criminal damage at Bristol Magistrates Court on 4<sup>th</sup> August 2010. This had occurred during a dispute outside the offices of a taxi/private hire company
- RA was not a fit and proper person to hold a Private Hire Driver's Licence

**Decision**

That the application for a Private Hire Driver's Licence made by RA be refused on the ground contained in section 51 of the Local Government (Miscellaneous Provisions) Act 1976 in that he had not satisfied the Council that he was a fit and proper person to hold such a licence.

**Reasons for Decision**

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

Whilst Members felt a certain amount of sympathy for RA because of the earlier alleged assault, it was considered that his behaviour was inexcusable and had fallen well below the standards of conduct expected from the holder of a private hire driver's licence.

Regard was had to the Council's policy on criminal behaviour in which the offence of criminal damage fell into the category of offences concerning violence. For the offence in question a period of at least 5 years free of conviction is usually expected before an application will be granted. Between 5 and 8 years after conviction more weight will be given to the circumstances of the offence and any evidence adduced to show good character since the date of the conviction.

In this particular case the conviction was still very recent and given the circumstances of the offending conduct, RA had a very heavy burden to discharge to satisfy the Members that he should be treated as an

exception to the policy. The Members could not be satisfied, on a balance of probabilities, that a departure from the policy could be made in RA's case without undermining it and the reasons that underlie it. Nor had RA satisfied the Members that he was a fit and proper person to hold a Private Hire Driver's Licence. In consequence the application should be refused.

**Chair's Signature**

## BRISTOL CITY COUNCIL

MINUTES OF MEETING OF THE  
PUBLIC SAFETY AND PROTECTION SUB-COMMITTEE A  
HELD ON 20TH OCTOBER 2010 AT 10.00 A.M.

PSP 82.10/10

Agenda item no: 6

**Agenda title****APPLICATION FOR A STREET TRADING CONSENT AT WARWICK ROAD, EASTON****APPLICANT: PICKKY CHORTHONG****PROPOSED TRADING NAME: ISIS 2****Decision**

That the application for a Street Trading Consent at Warwick Road be refused.

**Reasons for Decision**

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

Particular regard was had to the objection from the Highways Department and also the proposed location of the trailer, which was depicted in the photographs presented to the committee. It was concluded that this was not a suitable site for a trailer on the grounds of highway safety as it was located too close to a junction. The trailer was also fairly large and would be likely to cause a visual obstruction to motorists.

**Chair's Signature**



## BRISTOL CITY COUNCIL

**MINUTES OF MEETING OF THE  
PUBLIC SAFETY AND PROTECTION SUB-COMMITTEE A  
HELD ON 20TH OCTOBER 2010 AT 10.00 A.M.**

PSP 84.10/10

Agenda item no: 8

**Agenda title****APPLICATION FOR A STREET TRADING CONSENT AT PAVED  
AREA, PARK STREET ENTRANCE TO THE COUNCIL HOUSE,  
COLLEGE GREEN****APPLICANT: UMUT SAVAS****PROPOSED TRADING NAME: HUBBLE BUBBLE****Decision**

That the application for a Street Trading Consent at Paved Area Park Street Entrance to the Council House be refused.

**Reasons for Decision**

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

Considerable weight was attached to the objections from the Police and local residents in that the proposed location of the trailer in a cumulative impact area was unsuitable on the grounds of crime and disorder and prevention of public nuisance. Furthermore, there was no need for an additional fast food outlet during the times applied for as there was already a significant number of similar established businesses in the area and in very close proximity to each other.

**Chair's Signature**

**BRISTOL CITY COUNCIL****MINUTES OF MEETING OF THE  
PUBLIC SAFETY AND PROTECTION SUB-COMMITTEE A  
HELD ON 20TH OCTOBER 2010 AT 10.00 A.M.****PSP 85.10/10****Agenda item no: 9****Agenda title****APPLICATION FOR A STREET TRADING CONSENT AT CHARLTON  
ROAD NEAR JUNCTION WITH KING JOHN'S ROAD, ST. GEORGE  
APPLICANT: GOKTUG OZER  
PROPOSED TRADING NAME: ANATOLIA KEBABS****Decision**

That the application for a Street Trading Consent at Charlton Road near the Junction with King John's Road be refused.

**Reasons for Decision**

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

Considerable weight was attached to the objections from local residents and the local MP. Members decided that the application should be refused on the grounds of unsuitable location, the size of the trailer in relation to the location, traffic safety, potential noise and smells, and the need for such a business not having been established.

**Chair's Signature**

**BRISTOL CITY COUNCIL**

**MINUTES OF MEETING OF THE  
PUBLIC SAFETY AND PROTECTION SUB-COMMITTEE A  
HELD ON 20TH OCTOBER 2010 AT 10.00 A.M.**

**PSP 86.10/10**

**Agenda item no: 10**

**Agenda title**

**APPLICATION FOR A STREET TRADING CONSENT AT KILBURN  
STREET BS5 6AW**

**APPLICANT: JANE PHILLIPS**

**PROPOSED TRADING NAME: KALABASH CATERING**

**Decision**

That the application for a Street Trading Consent at Kilburn Street be refused.

**Reasons for Decision**

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

Considerable weight was attached to the objections from Highways and others that the application should be refused on the grounds of traffic safety and parking concerns, potential noise, public nuisance, and the need for such a business not having been established.

**Chair's Signature**