

AGENDA ITEM NO. 5 C

BRISTOL CITY COUNCIL

**MINUTES OF A MEETING OF THE
PUBLIC SAFETY AND PROTECTION SUB-COMMITTEE B
HELD ON 19TH APRIL 2011 AT 11.00 A.M.**

P Councillor Chris Davies
P Councillor Alf Havvock
P Councillor Jeff Lovell
A Councillor David Morris
P Councillor Guy Poultney (in the Chair)

PSP

199.4/11 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies were received from Councillor Morris.

PSP

200.4/11 DECLARATIONS OF INTEREST

No further declarations of interest were received.

PSP

201.4/11 PUBLIC FORUM

There was none.

PSP

**202.4/11 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 MEETNG**

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

203.4/11 APPLICATION FOR THE RENEWAL OF A PRIVATE HIRE VEHICLE LICENCE WHICH DOES NOT COMPLY WITH THE CURRENT COLOUR POLICIES - APPLICANT: IRA CLARK (IC)

The Sub-Committee considered a report of the Director of Neighbourhoods (Agenda Item No. 5) determining an application for the renewal of a Private Hire Vehicle Licence.

IC 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 for everyone.

IC then made their case and answered questions highlighting the following:

- His car is not Bristol Blue and he cannot afford to change its colour as he is on benefits
- He bought the vehicle 3 years ago and he is still paying for it; he was unaware of the change in policy concerning colour
- He has a mortgage and other financial commitments to meet
- He will have the car re-sprayed when he can afford to but it will take him a few months to save up the required finances – he has been quoted a cost of £1.600; he would therefore like the Council to grant him a six months exemption from the colour policy requirement
- He finds that there is not so much work for in the summer as he does not do night work – he concentrates on school runs and other jobs
- The car has been off the road since last week, hence he was unable to bring it with him to show Members
- He 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 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 made by Ira Clark for the renewal of a Private Hire Vehicle Licence which does not comply with the current colour policies be refused.

PSP

204.4/11 APPLICATION FOR THE GRANT OF A STREET TRADING CONSENT AT THE PAVEMENT AREA OUTSIDE 100 TEMPLE STREET, BRISTOL

APPLICANT: ROBERT WARREN (RW)

PROPOSED TRADING NAME: FOOD WARREN

The Sub-Committee considered a report of the Director of Neighbourhoods (Agenda Item No. 6) determining an application for the grant of a Street Trading Consent at the following location: Pavement Area outside 100 Temple Street, Bristol.

Prior to considering the report Members of the Committee made a visit to the proposed site of the trailer.

RW was in attendance, accompanied by his sister the co-applicant.

Two Interested Parties were also in attendance.

RW and his sister then made their case and answered questions highlighting the following:

- He reminded Members that they had seen the site and where the trailer would be parked; the trailer almost brand new and small, and he considered the location to be sufficient distance from the buildings
- Their target customers would be pedestrians – there are a

number of offices in the area - so it was unlikely that the presence of the trailer would cause traffic problems

- It was intended that the trailer would be left on the site the whole time although it may be possible to make arrangements for it to be removed at weekends
- The business would operate the whole year around with menus changing seasonally; supplies would be sourced locally
- They will provide litter bins and keep the area tidy; all food will be sold in recyclable cardboard
- Only fixed items of equipment will be left in the trailer overnight
- The Two Interested Parties made statements highlighting the following concerns: KPMG staff are already provided with an allowance for lunch, traffic using the access road to stop and buy from the trailer would cause congestion, there would be an accumulation of litter in the area and there are enough food outlets in the area already.

RW summed up their 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 2.

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

RESOLVED - (voting 3 for, 1 against, 1 abstention)

that the application for a Street Trading Consent be granted to Robert Warren in respect of a stationary van or trailer at Pavement Area Outside 100 Temple Street, Bristol to trade between the hours of 0630

and 1500 from Mondays to Fridays. The Consent shall be subject to the following Conditions:

- (a) The General Conditions numbered 1 to 19 of Appendix A to the Council's Street Trading Policy incorporating the amendments detailed at (b) below;**
- (b) Condition numbered 8 shall have added to it the following; “ The consent holder shall ensure that a litter bin is provided and that adequate measure are in place to remove litter and waste arising from his customers and to prevent such litter from accumulating in the immediate vicinity of the vehicle”.**

PSP

205.4/11 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 item of business on the grounds that it involves the likely disclosure of exempt information as defined in Part I of Schedule 12A to the Act, as amended.

PSP

206.4/11 APPLICATION FOR THE GRANT OF A PRIVATE HIRE DRIVER'S LICENCE – APPLICANT: DSC
(Exempt paragraph 3 - Information relating to a person's financial or business affairs)

The Sub-Committee considered a report of the Director of Neighbourhoods (Agenda Item No. 8) considering an application for the grant of a Private Hire Driver's Licence.

DSC 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 for

everyone.

DSC then made his case and answered questions highlighting the following:

- Both offences had been committed when he was deeply depressed
- His father had been murdered by his step mother and he had had to close his father's business
- He had also been seriously ill and had mixed with the wrong people
- He has now turned his life around and is a different person
- He has experience of working in the taxi trade, as he has been a controller for a number of years and wishes to move forward in his chosen career. He also informed Members that he works as many hours a week as he possibly can.
- He said he is very familiar with a lot of taxi drivers in the area due to his work as a controller and he has been in and out of the Bristol area for 12 years now.
- The conviction on 24th September 2004 related to an incident when he was working at a hotel and stole cash, a company car, emptied the cellar, and left his B & B without paying
- The conviction on 27th February 2007 related to possession of 8 plants of cannabis for his own use
- He now no longer takes drugs
- He 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 3.

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

RESOLVED - that Officers be delegated to grant a Private Hire Driver's License to DSC subject to him passing the rest of the fit and proper person test.

INFORMATION ITEM

PSP

207.4/11 DATE OF NEXT MEETING

RESOLVED - that the next meeting will held on date to be advised in due course.

(The meeting ended at 2.45 pm.)

CHAIR

Appendix 1

BRISTOL CITY COUNCIL

MINUTES OF A MEETING OF THE PUBLIC SAFETY AND PROTECTION SUB-COMMITTEE B HELD ON 19th APRIL 2011

PSP

203.4/11

Agenda Item No: 5

Agenda title:

**APPLICATION FOR THE RENEWAL OF A PRIVATE HIRE VEHICLE
LICENCE WHICH DOES NOT COMPLY WITH THE CURRENT
COLOUR POLICIES - APPLICANT: IRA CLARK (IC)**

Decision

That the application made by Ira Clark for the renewal of a Private Hire Vehicle Licence which does not comply with the current colour policies be refused.

Reasons for Decision

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

Members also considered their policy which states that existing licensed blue vehicles may continue to be licensed until 1 May 2011 at which stage the licence may only be renewed if the vehicle colour has changed to one that is not on the blue spectrum.

Section 48 of the Local Government (Miscellaneous Provisions) Act 1976 states:

- (1) Subject to the provisions of this part of this Act a District Council may on receipt of an application from the proprietor of any vehicle for the grant in respect of such a vehicle of licence to use the vehicle as a Private Hire Vehicle, grant in respect thereof a vehicle licence.
 - (a) Provided that a District Council shall not grant a licence unless they are satisfied that the vehicle is:
 - (i) suitable in type, size and design for the use as a Private Hire Vehicle,
 - (ii) not of such a design and appearance as to lead any person to believe that the vehicle is a Hackney Carriage;

- (iii) in a suitable mechanical condition;
- (iv) safe; and
- (v) comfortable.

The decision was also made in accordance with Section 48(2) of the Local Government (Miscellaneous Provisions) Act 1976 states:

Members considered that IC had had sufficient time to make alternative arrangements either by changing the vehicle for another vehicle or changing its colour. When IC was asked by Members if he would be able to afford the re-spray he said that he would never be able to afford re-spray, he had also stated this in his written representations. He informed Members that he had been given a quote for the cost of re-spray and then told Members that it would take him two months to save up the money, but asked for a licence to be issued for six months so that this would give him the extra time he needed to save up for the re-spray. His representations to Members was ambiguous and lacking clarity. IC did not have any particular plan in mind as to how he would be able to save up the money for the re-spray because he noted that it was quiet during the Summer months and he was unable to do night shift work.

Members were satisfied that the vehicle was of such a design and appearance as to lead any person to believe that the vehicle may be a Hackney Carriage. IC had taken the vehicle in to the Licensing Offices at Princess House so that they were able to view the colour of the vehicle. IC did not dispute that the colour of the vehicle was one on the blue spectrum.

IC was uncertain if and when he would be able to re-spray the car, also in his written representations he had confirmed that he was unable to afford a re-spray of the car, because he was still paying a mortgage and has other financial commitments.

Members considered that IC had had sufficient time to make alternative arrangements either by changing the vehicle for another vehicle or changing its colour. Members did not consider that IC had produced enough evidence to persuade them to set aside their policy and make an exception to it.

Chair's Signature

Appendix 2

BRISTOL CITY COUNCIL

MINUTES OF A MEETING OF THE PUBLIC SAFETY AND PROTECTION SUB-COMMITTEE B HELD ON 19th APRIL 2011

PSP

204.4/11

Agenda Item No: 6

Agenda title:

**APPLICATION FOR THE GRANT OF A STREET TRADING
CONSENT AT THE PAVEMENT AREA OUTSIDE 100 TEMPLE
STREET, BRISTOL**

APPLICANT: ROBERT WARREN (RW)

PROPOSED TRADING NAME: FOOD WARREN

Decision

That the application for a Street Trading Consent be granted to Robert Warren in respect of a stationary van or trailer at Pavement Area Outside 100 Temple Street, Bristol to trade between the hours of 0630 and 1500 from Mondays to Fridays. The Consent shall be subject to the following Conditions:

- (a) The General Conditions numbered 1 to 19 of Appendix A to the Council's Street Trading Policy incorporating the amendments detailed at (b) below;
- (b) Condition numbered 8 shall have added to it the following; "The consent holder shall ensure that a litter bin is provided and that adequate measures are in place to remove litter and waste arising from his customers and to prevent such litter from accumulating in the immediate vicinity of the vehicle".

Reasons for Decision

Members considered very carefully all of the written and verbal evidence presented to them as well as the Policy advice provided and having inspected the site and trailer.

Members applied the Street Trading Policy and although the view was not unanimous, the majority of Members considered that there was a commercial need notwithstanding the existing provision available in the vicinity, since the applicants were offering something different to what was already available; members were satisfied that if the application was granted as sought there would be no risk to public order given the hours of trade and target audience; members

considered public nuisance concerns but having inspected the site and the trailer members were satisfied that there were no risk to additional noise nuisance given the proposed position of the trailer would be adjacent to a busy main road, there would be the provision of a bin, and given that the food will not be deep fried there would not be the risk of fumes and smells emanating from the trailer. Members inspected the trailer and considered that it was suitable given its size, design and would not adversely impact on the street scene. The Street Trading Consent was therefore granted.

Chair's Signature

Appendix 3

BRISTOL CITY COUNCIL

MINUTES OF A MEETING OF THE PUBLIC SAFETY AND PROTECTION SUB-COMMITTEE B HELD ON 19th APRIL 2011

PSP

206.4/11

Agenda Item No: 8

Agenda title:

**APPLICATION FOR THE GRANT OF A PRIVATE HIRE DRIVER'S
LICENCE – APPLICANT: DSC**

Finding of Fact

1. DSC found guilty of Producing and Possessing Controlled Drugs on 27th February 2007.
2. DSC found guilty of Theft (x2), Taking a Vehicle Without Consent and Making Off Without Payment on 24th September 2004.

Decision

That Officers be delegated to grant a Private Hire Driver's License to DSC subject to him passing the rest of the fit and proper person test.

Reasons for Decision

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

Members had listened very carefully to the personal circumstances under which DSC had committed the offences. DSC was clearly remorseful as to what had happened and had offered to provide a full explanation to Members as to the reasons why. DSC has also submitted a letter for Members to consider explaining his past conviction and his present situation. He had also provided a list of taxi drivers who had signed a petition in support of his application. DSC had been a controller for a number of years and now wants to move forward in his career, he appeared to be very familiar with the trade and also had a lot of friends and support from the people with which he worked.

He had passed his test two years ago in hope that he would be granted a licence. A copy of the licence was handed to Members.

DSC confirmed that he has not taken drugs for a number of years, and

he regrets the charges.

Members considered that DSC had been honest with them when explaining his past and the convictions and considered that he had been remorseful. They also noted that he was now turning life around and making a positive commitment to work within this area. Members noted their policy, and in relation to offences of dishonesty, a period of three to five years free of conviction would be required before an application is likely to be considered favourably. Members noted that DSC had been convicted in September 2004, which was just over six and a half years ago, and he had now turned his life around and had been employed in the trade for a number of years and was very remorseful and honest about his mistakes. DSC had also been free from taking drugs since 2007.

Members therefore decided in this case to set aside their policy and grant a Private Hire Driver's Licence to DSC, subject to him passing the rest of the fit and proper person test.

Chair's Signature