

**BRISTOL CITY COUNCIL**

**MINUTES OF A MEETING OF THE  
PUBLIC SAFETY AND PROTECTION SUB-COMMITTEE A  
HELD ON 3<sup>RD</sup> APRIL 2012 AT 10.00 AM**

- A Councillor Fi Hance
- P Councillor Alf Havvock
- P Councillor Brenda Hugill
- P Councillor Jay Jethwa
- P Councillor Tim Leaman (for Cllr Hance) (part)

**PSP**

**183.4/12 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

Apologies were received from Councillor Hance, substitute Councillor Leaman.

**PSP**

**184.4/12 DECLARATIONS OF INTEREST**

The following declaration of interest was received and noted:

1. Councillor Jethwa - Agenda item No. 8 - She lives near the site.
2. Councillor Hugill - Agenda Item No. 8 - She has shopped at the business formerly owned by the applicant on Gloucester Road.
3. Councillor Havvock - Agenda Item No. 14 - The driver lives in his Ward.

**PSP**

**185.4/12 PUBLIC FORUM**

The following statement was received and taken into account when the item was considered:

Councillor Lesley Alexander - Agenda item No. 9.

A copy of the statement is contained in the Minute Book.

**PSP**

**186.4/12 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**

**187.4/12 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**

**188.4/12 REPORT OF THE RECENT CONVICTION OF A HACKNEY CARRIAGE DRIVER'S LICENCE - SEGA**

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

It was noted that a request had been received from SEGA for a deferment of his case.

It was therefore

**RESOLVED -** that this case be deferred until a future Meeting of the Committee.

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

**PSP**

**189.4/12 APPLICATION FOR THE GRANT OF STREET TRADING CONSENT AT CROWDACE PROPERTIES, THE CORNER,**

**THIRD WAY, AVONMOUTH.  
APPLICANT: GEORGE BURMAN  
PROPOSED TRADING NAME: FAST FOOD AVONMOUTH**

The Sub-committee considered a report of the Director of Neighbourhoods (Agenda Item No. 7) relating to an application for the grant of a street trading consent at Crowdace Properties, The Corner, Third Way, Avonmouth.

The applicant was in attendance accompanied by Mr Murphy.

The Representative of the Service Director, Legal Services advised everyone that the applicant accepted the witness statements.

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

The Licensing Officer introduced the report and summarised it for everyone. She confirmed that all required documentation had been received from the applicant.

The applicant then made his case and answered questions highlighting the following:

- He has been trading on the site for 27 years since he took the business over from his mother; he was not aware that he needed a consent to trade or that he was breaking the law by doing so without such consent.
- In February he was advised by BCC that he could no longer trade and had to close for 14 days; he did not want to do this as he would lose his customers. The Applicant did submit the paperwork as requested by BCC officers.
- He pays rent to the landlord (£5,000/year) and has always had an up to date Food Hygiene Certificate from BCC. Checks are carried out annually.
- Mr Murphy stated that he had helped the applicant's mother to establish the business 40 years ago and the applicant had always traded from the same spot and keeps the van and the area very clean. Mr Murphy stated the Applicant was a dedicated businessman who has never been the subject of a past complaint.

- The applicant summed up his case by stating he had always paid his way in life and had been worried that closing for two weeks as requested would result in the loss of his customers who possibly then would not return. .

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

**RESOLVED - that George Burman be granted a Street Trading Consent to trade at Crowdace Properties, The Corner, Third Way, Avonmouth for the hours of 0700 to 1300 from Mondays to Fridays and 0700 to 1200 Saturdays, subject to Conditions 1 to 19 attached to the report at Appendix A.**

**PSP**

**190.4/12**

**APPLICATION FOR THE GRANT OF STREET TRADING CONSENT AT THE CORNER OF TYNDALL AVENUE AND WOODLAND ROAD, BRISTOL  
APPLICANT: MARCUS WELLS  
PROPOSED TRADING NAME: MONTPELIER PASTRIES**

The Sub-committee considered a report of the Director of Neighbourhoods (Agenda Item No. 8) relating to an application for the grant of a street trading consent at the corner of Tyndall Avenue and Woodland Road, Bristol.

The applicant 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. She added that the applicant has agreed to comply with all of the Food Safety Team requirements. She also confirmed that

the University objects to the van trading at any of the locations.

The applicant put his case and answered questions highlighting the following:

- He has previously run a bread shop on Gloucester Road and received awards
- He considers that his business can bring something different in terms of products to the area
- He has considered the objections and feels that the pavement is wide enough to accommodate his van without causing any obstruction
- He will provide litter bins and his business will not create any additional noise
- He provided details of the prices that he would charge for food and stated that he would be also selling cold drinks
- He agreed to the location suggested by Members for his van
- He summed up his case.

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

**RESOLVED - that Marcus Wells be granted a Street Trading Consent to trade at Corner of Tyndall Avenue and Woodland Road - the exact location to be agreed with Licensing Section Officers - for the hours of 0830 to 1400 from Mondays to Fridays, subject to Conditions 1 to 19 attached to the report at Appendix A.**

## **191.4/12 APPLICATION FOR A STREET TRADING CONSENT AT RE: KEBAB MASTER, STRAITS PARADE, FISHPONDS, BRISTOL**

The Sub-committee considered a report of the Director of Neighbourhoods (Agenda Item No. 9) relating to an application for the grant of a street trading consent at Straits Parade, Fishponds, Bristol.

The applicant was in attendance accompanied by Dr Rowland Dye.

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

The Licensing Officer introduced the report and summarised it for everyone. She advised that on 19<sup>th</sup> March 2012 the Co-operative had stated that they were not prepared to sell the site or allow any trading on it.

The applicant then put his case and answered questions highlighting the following:

- He provided an In Touch article from 2003 and an abusive note left anonymously on his van. No information was able to be provided as to the source of the note.
- Roadworks had started on Straits Parade on 20<sup>th</sup> September 2011 and he had asked the Licensing Section if he would be affected by the roadworks; he also spoke to people in Highways. He received no paperwork indicating his consent was due to expire.
- On 30<sup>th</sup> September 2011 he had received a letter from the Licensing Section stating that his consent had expired and he could no longer trade
- He considered that he should have received a reminder previously - other street traders received reminders

He could not renew his consent and nobody would deal with him in the Licensing Section

- He was angry about the way he was treated and felt he had been treated unfairly
- He considered that he should have been told about the

complaints/objections before

- He noted the objections and whilst some of them had some merit he did not consider that he was responsible for most of the issues raised in them; he always clears his rubbish from the site when he finishes trading
- He had received permission from the Co-operative Store Manager to trade on the site
- He previously traded from 1600 to 0100 weekdays and 1600 to 0300 at weekends

Dr Dye made a statement on behalf of the applicant - he is a good friend of the applicant because of his charity work; he is concerned about the lack of fairness in the case; there are questions marks over how the consent came to an end; the applicant was not sent the relevant paperwork and could not renew his consent without it.

Jon Martin The Regulatory Compliance Manager explained that some of the problems had arisen because the Policy and could have been dealt with better. There is no automatic renewal process of consents. Representations had been received and the matter therefore had to be brought to Committee. The issue of permission to trade on the site is a matter for the land owner and although the local manager had given permission, the Head Office had made clear that permission is refused. The applicant cannot trade without the landowner's permission.

The Representative of the Service Director, Legal Services confirmed that the applicant is not permitted to trade without the landowner's permission.

The Licensing Officer confirmed that the applicant has applied to trade from 0700 to 0200 Sundays to Thursdays and 0700 to 0500 Fridays and Saturdays. The Officer also confirmed that correspondence from the Cooperative Group's Head Office had stated there was no permission in place and there was no intention to sell the land. The Company had indicated that it was not in their commercial interests to allow hot food to be sold on the land. This information had been sent as recently as 19<sup>th</sup> March 2012.

The applicant summed up his case.

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

**RESOLVED - that the application for a Street Trading Consent by Sakir Yildirim be refused.**

**PSP**

**192.4/12 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**

**193.4/12 REPORT OF THE CAUTION OF A HOLDER OF A PRIVATE HIRE DRIVER'S LICENCE - IJC PRIVATE HIRE DRIVER**

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

It was noted that a request had been received from IJC for a deferment of his case.

**RESOLVED - that this case be deferred until a future Meeting of the Committee.**

**PSP**

**194.4/12 APPLICATION FOR THE GRANT OF A PRIVATE DRIVER'S LICENCE - FK**

(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. 12) considering an application for the grant of a Private Hire Driver's Licence.

FK was in attendance.

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

The Licensing Officer introduced and summarised the report. He also clarified that FK had claimed not to have received a copy of the report but now has a copy.

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

- He did not admit the offences on his application form because he did not understand the question and did not read the document properly.
- He does not deny the offences
- He considers the punishment of 3 to 5 years as being too long
- He has been a taxi driver for 10 years
- He does not have a job at present but has done some labouring
- Although he has made mistake he does not consider his record to be that bad; he could obtain references from customers
- He did not notify the Authority as and when these incidents occurred as although he was still licensed, he was not working as his car was off the road.
- When he was caught for not being insured he was driving his brother's car and thought that he was insured
- He has not been in any trouble since 2010
- He produced an old DVLA Licence (previously thought to have been lost) and thought the new one must be somewhere in his flat
- In relation to the soliciting conviction, he thought that the woman

wanted a lift; she flagged him down and he thought it was a legitimate fare. She was on her mobile phone sitting in the front seat of his car when the Police arrested him.

- He said although he had made mistakes he was trying to learn from them and put the past behind him.
- He said he had trouble reading English and could not write very well.
- He summed up his case

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

Details of the Committee's findings and reasons for the decision are set out in Appendix 4.

All parties and the representative of the Director of Neighbourhoods returned to the room to be advised of the decision of the Committee.

**RESOLVED - that the application for a Private Hire Driver's Licence made by FK be refused as he has not convinced the Council that he is a fit and proper person to hold such a licence.**

(Councillor Leaman left the meeting at this stage.)

## **PSP**

**195.4/12**

### **APPLICATION FOR THE GRANT OF A PRIVATE DRIVER'S LICENCE - IA**

(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. 13) considering an application for the grant of a Private Hire Driver's Licence.

IA was in attendance accompanied by an interpreter and his wife.

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

The Licensing Officer introduced and summarised the report.

IA then made his case assisted by his wife and answered questions highlighting the following:

- He had not brought his DVLA Licence with him
- He lost his licence through 2 speeding offences (2 x3 points) and 1 insurance conviction (6 points)
- He had thought he was insured to drive his brother's car – he was stopped at random by the police. His wife had not read the small print on his own insurance policy and they had both thought his taxi insurance would cover him.
- He has 6 children, has learnt from his mistakes and the loss of his licence has caused a great deal of financial hardship including removing his children from private education.
- He had assumed that his taxi licence would be restored when his DVLA Licence was returned
- He has driven a taxi since 1999 and does not have experience with another trade or profession.
- The job provides him with the flexibility to help with the children
- Apart from a conviction for illegal plying for hire and no insurance, he has a good record
- He summed up his case

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

Details of the Committee's findings and reasons for the decision are set out in Appendix 5.

All parties and the representative of the Director of Neighbourhoods returned to the room to be advised of the decision of the Committee.

**RESOLVED - that the application for a Private Hire Driver's Licence made by IA be refused as he has not**

**convinced the Council that he is a fit and proper person to hold such a licence.**

**PSP**

**196.4/12 REPORT OF THE CONVICTION OF A HACKNEY CARRIAGE DRIVER - AS**

(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. 14) considering the conviction of a Hackney Carriage Driver.

AS was in attendance.

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

The Licensing Officer summarised the report, highlighting the key points for those present.

AS then put his case and answered questions highlighting the following:

- He considers himself to be a fit and proper person to hold a licence
- He had made a mistake in not completing the form properly
- His conviction for Benefit Fraud was factually complicated
- He had married out of his faith and there had been problems with both families
- The prosecution had been triggered by his mother and sister; he had pleaded guilty so as not to cause problems for them
- He had lived at his father's house for most of the last 30 years
- He produced his DVLA Licence
- He has been a taxi driver since 2000 and there have been no complaints against him. He has filled out a number of application forms and this is the first time he had made a

mistake on one.

- He has lived with his wife at the address relating to the offence on and off; he has also lived at another address for a short time
- He has two children and if he is unable to work this will impact on his wife and children. One of his children has a heart condition.
- He summed up his case

The Licensing Officer explained that the CRB check on AS had been carried out on his father's house.

The Representative of the Service Director, Legal Services that the case had been dealt with in the Crown Court because of the amount of money involved and the fact that Proceeds of Crime Act proceedings were taken.

Details of the Committee's findings and reasons for the decision are set out in Appendix 6.

All parties and the representative of the Director of Neighbourhoods returned to the room to be advised of the decision of the Committee.

**RESOLVED - that the Hackney Carriage Driver's Licence held by AS be revoked as he is no longer a fit and proper person to hold such a licence.**

## **INFORMATION ITEM**

**PSP**

**197.4/12 DATE OF NEXT MEETING**

**RESOLVED - that the next Meeting be held on Tuesday 24<sup>th</sup> April 2012 at 1000 am and is likely to be a meeting of Sub-Committee B.**

(The meeting ended at 4.50 pm.)

CHAIR

**BRISTOL CITY COUNCIL****MINUTES OF MEETING  
OF THE PUBLIC SAFETY AND PROTECTION  
SUB-COMMITTEE A  
HELD ON 3RD APRIL 2012 AT 10.00 AM.****PSP 189.4/12****Agenda Item No. 7****Agenda title****APPLICATION FOR THE GRANT OF STREET TRADING CONSENT AT  
CROWDACE PROPERTIES, THE CORNER, THIRD WAY, AVONMOUTH  
APPLICATION: GEORGE BURMAN – PROPOSED TRADING NAME: FAST  
FOOD AVONMOUTH****Decision**

That George Burman be granted a Street Trading Consent to trade at Crowdace Properties, The Corner, Third Way, Avonmouth for the hours of 0700 to 1300 from Mondays to Fridays and 0700 to 1200 Saturdays, subject to Conditions 1 to 19 attached to the report at Appendix A.

**Reasons for Decision**

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

Members noted that there were no representations, the applicant has been trading at the site for 27 years, there have no issues with him and he has received the required Food Hygiene Certificates from BCC.

Members therefore decided to grant a Street Trading Consent to George Burman.

**Chair's Signature**

**BRISTOL CITY COUNCIL****MINUTES OF MEETING  
OF THE PUBLIC SAFETY AND PROTECTION  
SUB-COMMITTEE A  
HELD ON 3RD APRIL 2012 AT 10.00 AM.****PSP 190.4/12****Agenda Item No. 8****Agenda title****APPLICATION FOR THE GRANT OF STREET TRADING CONSENT AT  
CORNER OF TYNDALL AVENUE AND WOODLAND ROAD, BRISTOL  
APPLICANT: MARCUS WELLS  
PROPOSED TRADING NAME: MONTPELIER PASTRIES****Decision**

That Marcus Wells be granted a Street Trading Consent to trade at Corner of Tyndall Avenue and Woodland Road - the exact location to be agreed with Licensing Section Officers - for the hours of 0830 to 1400 from Mondays to Fridays, subject to Conditions 1 to 19 attached to the report at Appendix A.

**Reasons for Decision**

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

Members noted the objections received. However they were satisfied with the applicant, the products on offer and the hours during which they would be offered, the unit, the trading type and the location of the van - subject to it being agreed with Licensing Section Officers. Members also noted that this would bring something new to the area and that the applicant had an excellent reputation in relation to his previous business.

They therefore agreed to grant a Street Trading Consent to Marcus Wells.

**Chair's Signature**

**BRISTOL CITY COUNCIL****MINUTES OF MEETING  
OF THE PUBLIC SAFETY AND PROTECTION  
SUB-COMMITTEE A  
HELD ON 3RD APRIL 2012 AT 10.00 AM.****PSP 191.4/12****Agenda Item No. 9****Agenda title****APPLICATION FOR THE GRANT OF STREET TRADING CONSENT AT RE:  
KEBAB MASTER, STRAITS PARADE, FISHPONDS, BRISTOL****Decision**

That the application for a Street Trading Consent by Sakir Yildirim be refused.

**Reasons for Decision**

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

Members noted that the applicant is not permitted to trade on the site without the permission of the landowner. Further, that any permission was not likely to be forthcoming. Members also noted the objections received especially those concerning noise, anti-social behaviour and litter. They did not consider that the applicant had adequately addressed these objections.

Members therefore decided to refuse the application for a Street Trading Consent by Sakir Yildirim.

**Chair's Signature**



**BRISTOL CITY COUNCIL****MINUTES OF MEETING  
OF THE PUBLIC SAFETY AND PROTECTION  
SUB-COMMITTEE A  
HELD ON 3RD APRIL 2012 AT 10.00 AM.****PSP 194.4/12****Agenda Item No. 12****Agenda title****APPLICATION FOR THE GRANT OF PRIVATE HIRE DRIVER LICENCE - FK****Finding of Facts**

FK has a series of different convictions. FK had also not disclosed convictions on his application form.

**Decision**

That the application for a Private Hire Driver's Licence made by FK be refused under section 51 (1) (a) of the Local Government and Miscellaneous Provisions Act 1976 as he has not satisfied the Council that he is 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.

Members noted their Policy.

They noted that FK has a series of convictions and that he had not disclosed the convictions on his application form. They also had concerns about him producing an old DVLA Licence instead of the new one. Members considered this FK to have a poor driving history with many appearances before the Committee.

They did not consider that FK had produced enough evidence to satisfy them that he is a fit and proper person and that they should make an exception to their Policy in his case. They therefore refused his application.

**Chair's Signature**

## BRISTOL CITY COUNCIL

**MINUTES OF MEETING  
OF THE PUBLIC SAFETY AND PROTECTION  
SUB-COMMITTEE A  
HELD ON 3RD APRIL 2012 AT 10.00 AM.**

PSP 195.4/12

Agenda Item No. 13

**Agenda title****APPLICATION FOR THE GRANT OF PRIVATE HIRE DRIVER LICENCE – IA****Finding of Facts**

IA has been convicted of motoring offences and lost his DVLA Licence under the totting up procedure.

**Decision**

That the application for a Private Hire Driver's Licence made by IA be refused under section 51 (1) (a) of the Local Government and Miscellaneous Provisions Act 1976 as he has not satisfied the Council that he is 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.

Members noted their Policy.

Members noted that IA had lost his DVLA Licence for a series of motoring offences. They noted that his DVLA Licence had only been returned in December 2011. They did not consider that IA had produced enough evidence to satisfy them that he is a fit and proper person and that they should make an exception to their Policy in his case. They therefore refused his application.

**Chair's Signature**

**BRISTOL CITY COUNCIL****MINUTES OF MEETING  
OF THE PUBLIC SAFETY AND PROTECTION  
SUB-COMMITTEE A  
HELD ON 3RD APRIL 2012 AT 10.00 AM.****PSP 196.4/12****Agenda Item No. 14****Agenda title****REPORT OF THE CONVICTION OF A HACKNEY CARRIAGE DRIVER – AS****Finding of Facts**

AS has been convicted of dishonesty by Bristol Crown Court.

**Decision**

That the Hackney Carriage Driver's Licence held by AS be revoked under section 61 (1) (a) (i) and section 61 (1) (b) of the Local Government (Miscellaneous Provisions) Act 1976 as he had been convicted of an offence involving dishonesty and for any other reasonable cause as he is no longer 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.

Members noted their Policy.

They noted that he has committed an offence of dishonesty. They considered this to be a serious offence. They also noted that he did not disclose the offence on his application form. They therefore no longer considered him to be a fit and proper person to hold a licence. They did not consider that they heard enough evidence to satisfy them that they should make an exception to their Policy in his case. They therefore decided to revoke his licence.

**Chair's Signature**