

**MINUTES OF A MEETING OF THE
PUBLIC SAFETY AND PROTECTION SUB-COMMITTEE A
HELD ON 9TH OCTOBER 2012 AT 10.00 A.M.**

- P Councillor Fi Hance (part)
- P Councillor Alf Havvock (part)
- A Councillor Brenda Hugill
- P Councillor Jay Jethwa (Chair)
- P Councillor Ron Stone (part) (for Cllr Hugill)

PSP

69.10/12 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies were received from Councillor Hugill, substitute Councillor Stone.

PSP

70.10/12 DECLARATIONS OF INTEREST.

Agenda Item No. 13 - Councillor Jethwa stated that she recognised the applicant and his colleague and, having taken legal advice, absented herself from the Meeting for this item.

PSP

71.10/12 PUBLIC FORUM

The following Statements were received and taken into account when the Committee made its decisions:

Rosemarie Rendu-Jefferies	Agenda Item No. 5 - Street Trading at Lodge Hill	Written statement
Councillors Lesley Alexander and James Stevenson	Agenda Item No. 6 – Street Trading Outside Lidl, Fishponds Road	Written statement
Councillor Patrick Hassell	Agenda Item No. 5 - Street Trading at Lodge Hill	Written statement (received late)

A copy of each of the statements is contained in the Minute Book.

PSP

72.10/12

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

73.10/12

**APPLICATION FOR THE GRANT OF STREET TRADING CONSENT AT LODGE HILL, BRISTOL
APPLICANTS: SAKIR YILDIRIM
PROPOSED TRADING NAME: KEBAB MASTER**

The Committee considered a report of the Director of Neighbourhood (Agenda Item No. 5) determining an application for the grant of a Street Trading Consent.

The Applicant was not in attendance but was represented by RD.

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

The Licensing Officer introduced the report.

RD then made the case for the Applicant and answered questions highlighting the following:

- He tabled a written statement, most of which is applicable to this application; a copy of which is contained in the Minute Book
- He stated that the statement had been drawn up on the basis of being a good neighbour. As a friend of the applicant, he believes this is what you would expect from a responsible vendor. The applicant is a good and honest trader who lives locally and does lots of charity work.
- Responding to the statement from Councillor Hassell he did not consider the reference to Brandon Hill to be relevant as this site is

a suburban green space where a balance between working and enjoying an open space could be achieved.

- In response to questions about bad behaviour and people congregating, he stated that anyone misbehaving would not be served and would be expected to leave the area; he considered this to be part of the concept of their good neighbour policy
- The Applicant and his staff will cook the food and all of the cooking waste will be contained within the properly put together commercial unit. The trailer will be left on the site and litter will be cleared from the site.
- When questioned as to the demand for this unit at this location, RD could not give any information except to say he assumed the site had been chosen as it was a road that linked two areas.
- He conceded that there are concerns about the comments from the Leonard Cheshire Home but considered that these concerns can be addressed through their good neighbour policy
- In response to questions about other food outlets in the area, he stated that the Applicant produces high quality food
- There will be a minimum of two people working in the trailer at any one time
- The trailer will advertise its location and presence
- The Applicant lives adjacent to the site so will use his house for toilet facilities
- He conceded that the Applicant and his staff have no powers to deal with anti-social behaviour but he hoped that their good neighbour policy would help in most situations; illegal activity would be reported to the Police. Although it was conceded that the policy was not 100% watertight, RD stated the proposal was to attempt to mould public behaviour for the better.
- There were a number of questions that RD was not able to answer for the Applicant
- He summed up the case for the Applicant

The Licensing Officer explained the situation concerning food hygiene requirements. She also advised that the Applicant still had his insurance and food hygiene certificates from his previous site.

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 hear the decision of the Committee.

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

(Councillor Stone left the Meeting at this point and Councillor Hance joined the Meeting.)

PSP

74.10/12

**APPLICATION FOR THE GRANT OF STREET TRADING
CONSENT OUTSIDE LIDL, FISHPONDS ROAD, BRISTOL
APPLICANTS: SAKIR YILDIRIM
PROPOSED TRADING NAME: KEBAB ALEXANDER**

The Committee considered a report of the Director of Neighbourhood (Agenda Item No. 6) determining an application for the grant of a Street Trading Consent.

The Applicant was not in attendance but was represented by RD.

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

The Licensing Officer introduced the report.

RD then made the case for the Applicant and answered questions highlighting the following:

- He drew attention to the written statement tabled with the previous item
- Most of the issues had been discussed in relation to the previous

application; he acknowledged that the trailer could not be parked on the site until the Bus Lane ceased to be in use at 6.30 pm

- The good neighbour policy would again apply; the applicant is sensitive to the concerns raised by the objectors
- The Applicant has a friend who lives near the site who will allow him to use his toilet
- The trailer will be removed from the site each night and stored either in a storage facility at Royate Hill or on the drive of his house
- The nearest residential properties are on the opposite of the road to the proposed site of the trailer
- There will be a minimum of two staff working in the trailer; concerns about their safety have been taken into account; this is a concern for all late night vendors
- He was unable to say whether a reduction in the hours applied for would affect the viability of the business.
- He summed up the case for the Applicant

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 hear the decision of the Committee.

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

PSP

75.10/12

**APPLICATION FOR THE GRANT OF STREET TRADING
CONSENT AT ISLAND SITE ON NORTH STREET BETWEEN
JUNCTIONS OF LUCKWELL ROAD AND THE NURSERY**

APPLICANTS: LENA SVENSON

PROPOSED TRADING NAME: NORTH KEBAB

The Committee considered a report of the Director of Neighbourhood (Agenda Item No. 7) determining an application for the grant of a Street Trading Consent.

The Applicant was in attendance.

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

The Licensing Officer introduced the report.

The Applicant then made her representations and answered questions highlighting the following:

- There are no other similar trailers in the area; it is a busy location and the operation of the business will not create any additional noise. The times requested are in line with the nearby pubs etc.
- She noted the objections received
- She will keep the area free of litter and provide bins
- She would be happy with either location; she would be selling kebabs, burgers, etc; the nearest similar outlet is half a mile away; there are residential properties in the vicinity; a generator would be used for power; she would minimise the environmental impact of the business; she would expect most of her customers to be on foot. There was limited space for parking although no doubt some cars may stop. The applicant could see no danger in terms of the fact the location was at a busy junction.
- The applicant described her previous experience in the catering trade as working in restaurants and cafes and a kebab shop in Sweden.
- There would be the usual smells emanating from the unit but these should pose no problem to the street. The type of packaging the unit would use is unknown but an environmentally friendly solution would be sought.
- She summed up her 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 hear the decision of the Committee.

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

(Councillor Havvock left the Meeting at this point.)

PSP

76.10/12 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

77.10/12 APPLICATION FOR THE RENEWAL OF A PRIVATE HIRE DRIVER LICENCE – ECA

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

The Sub-Committee considered an exempt report of the Director of Neighbourhoods and City Development (Agenda Item No. 9) considering an application for the grant of a Private hire driver's licence.

ECA was in attendance, accompanied by his wife and SC, a barrister.

The Chair explained the procedure that would be followed.

The Licensing Officer introduced the report and summarised it for Members.

SC then put the case for ECA and answered questions highlighting the following:

- New information was tabled and a copy of this is contained in the Minute Book
- She stated that she would not dwell on the information already known to Members, but concentrate on the new evidence that has come to light
- ECA was stopped by the Police on his way back from London on 4th November 2011 and a knife found in his car; it was thought that the knife had been there for 48 hours
- New evidence had to come to light from V Cars which proved the knife had been in his car for less than 24 hours - not 48 hours (the pick up from St Michaels Hospital on 3rd November 2011)
- At the time of his arrest he had correctly followed the advice of his solicitor and accepted a Caution
- ECA is very upset about the Caution and the implications it has for his work as a taxi driver, as he has an otherwise flawless background and works hard for his family
- He had not advised the Licensing Section of his Caution at the time because of a misunderstanding
- ECA stated that he found the knife when helping the passenger with a Zimmer Frame that he picked up from St Michaels Hospital; he usually cleans his car every two to three days
- SC summed up the case for ECA and asked that Members take note of the new information and the references, and make an exception to the their Policy in this 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 representatives of the Director of Neighbourhoods and City Development returned to the room to hear the decision of

the Committee.

RESOLVED - that the application for the grant of a Private Hire Driver's License by ECA be approved as he has satisfied the Council that he is a fit and proper person to hold such a license; if any other information not already disclosed is shown on his CRB Check when received, the matter is to be brought back to the Committee as soon as possible.

THE FOLLOWING ITEM WAS CONSIDERED IN OPEN (NON-EXEMPT) SESSION

PSP

**78.10/12 APPLICATION FOR THE GRANT OF STREET TRADING CONSENT OUTSIDE OF HEIN GERICKE, STOKES CROFT, BRISTOL
APPLICANTS: PARVIZ JAFARI
PROPOSED TRADING NAME: MATT'S BURGER VAN**

The Applicant was not in attendance. It was therefore

RESOLVED - that the application be considered at a future Meeting of the Committee.

PSP

79.10/12 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

80.10/12 APPLICATION FOR THE RENEWAL OF A PRIVATE HIRE DRIVER'S LICENCE - CKG.

It was noted that this item has been removed from the Agenda.

PSP

81.10/12 APPLICATION FOR THE GRANT OF A PRIVATE HIRE DRIVER'S LICENCE - AAA.

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

AAA was in attendance, accompanied by a colleague.

When the men entered the room Councillor Jethwa stated that she recognised them and, having taken advice, decided to absent herself from the Meeting for this item.

When Councillor Jethwa left the Meeting there was no longer a quorum and this application could not be considered.

It was therefore

RESOLVED - that consideration of this application be deferred until the next Meeting of the Committee.

PSP

82.10/12 DATE OF NEXT MEETING

RESOLVED - that the next meeting will be held on Tuesday 16th October 2012 at 10.00 am and is likely to be a meeting of Sub-Committee B.

(The meeting ended at 2.45 pm.)

CHAIR

BRISTOL CITY COUNCIL**MINUTES OF MEETING
OF THE PUBLIC SAFETY AND PROTECTION
SUB-COMMITTEE A
HELD ON 9TH OCTOBER 2012 AT 10.00 AM****PSP 73.10/12****Agenda item no: 5****Agenda title****APPLICATION FOR THE GRANT OF STREET TRADING CONSENT AT
LODGE HILL, BRISTOL****APPLICANTS: SAKIR YILDIRIM****PROPOSED TRADING NAME: KEBAB MASTER****Decision**

That the application for a Street Trading Consent be refused.

Reasons for Decision

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

Members gave great weight to the Police concerns, the objections from local residents, the charity, Parks and Estates and the Neighbourhood Engagement Team. Having considered the evidence, Members did not consider that there is a commercial need for such an outlet on this site as there are already a number of food outlets in the surrounding area. They did not consider it to be a suitable location as it is in a residential area. Members were very concerned about noise and anti-social behaviour, and about the size of the trailer and it being left on the site. Members took the view that no sufficient and suitable measures had been offered to resolve their concerns.

They therefore decided to refuse the application.

Chair's Signature

BRISTOL CITY COUNCIL**MINUTES OF MEETING
OF THE PUBLIC SAFETY AND PROTECTION
SUB-COMMITTEE A
HELD ON 9TH OCTOBER 2012 AT 10.00 AM****PSP 74.10/12****Agenda item no: 6****Agenda title****APPLICATION FOR THE GRANT OF STREET TRADING CONSENT OUTSIDE
LIDL, FISHPONDS ROAD, BRISTOL****APPLICANTS: SAKIR YILDIRIM****PROPOSED TRADING NAME: KEBAB ALEXANDER****Decision**

That the application for a Street Trading Consent be refused.

Reasons for Decision

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

They noted all of the objections received especially one from the Police. They had concerns about the recent assaults and violence, and the presence of the trailer encouraging people to remain in the area. They did not consider the location to be suitable for the trailer. They did not consider that any evidence of commercial need for the business had been presented. They also noted that there were a number of questions that RD was not able to answer for the Applicant.

They therefore decided to refuse the application.

Chair's Signature

BRISTOL CITY COUNCIL**MINUTES OF MEETING
OF THE PUBLIC SAFETY AND PROTECTION
SUB-COMMITTEE A
HELD ON 9TH OCTOBER 2012 AT 10.00 AM****PSP 75.10/12****Agenda item no: 7****Agenda title****APPLICATION FOR THE GRANT OF STREET TRADING CONSENT AT
ISLAND SITE ON NORTH STREET BETWEEN JUNCTIONS OF LUCKWELL
ROAD AND THE NURSERY****APPLICANTS: LENA SVENSON****PROPOSED TRADING NAME: NORTH KEBAB****Decision**

That the application for a Street Trading Consent be refused.

Reasons for Decision

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

Members did not consider the location to be suitable - it is in a green area which has had a lot of money spent on it; there is a lot of local opposition to the application; it is a busy road (safety concerns); and it is close to residential dwellings.

It was therefore decided to refuse the application.

Chair's Signature

BRISTOL CITY COUNCIL**MINUTES OF MEETING
OF THE PUBLIC SAFETY AND PROTECTION
SUB-COMMITTEE A
HELD ON 9TH OCTOBER 2012 AT 10.00 AM****PSP 77.10/12****Agenda item no: 9****Agenda title****APPLICATION FOR THE RENEWAL OF A PRIVATE HIRE DRIVER LICENCE – ECA****Finding of Facts**

ECA accepted a Police Caution for possession of an offensive weapon on 4th November 2012.

Decision

That the application for the grant of a Private Hire Driver's License by ECA be approved as he has satisfied the Council that he is a fit and proper person to hold such a license; if any other information not already disclosed is shown on his CRB Check when received, the matter is to be brought back to the Committee as soon as possible.

Reasons for Decision

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

Members noted the previous good character of ECA and the new information that has come to light. Members found his explanation to be credible and gave great weight on the character references submitted.

Members therefore decided to make an exception to their Policy and grant the application for a Private Hire Driver's License by ECA as he has satisfied the Council that he is a fit and proper person to hold such a license; if any other information not already disclosed is shown on his CRB Check when received, the matter is to be brought back to the Committee as soon as possible.

Chair's Signature