

Bristol City Council
Minutes of the Public Safety and Protection
Committee



16 August 2016 at 10.00 am

Members Present:-

Councillors: Donald Alexander, Sultan Khan, Chris Windows and Paula O'Rourke

Officers in Attendance: Ashley Clark (Regulatory Lawyer), Abbi Holman (Senior Licensing Officer), Jonathan Martin (Trading Standards & Licensing Manager), Steve Gregory (Democratic Services Officer)

1. Exclusion of Press and Public

Resolved – that under Section 11A (4) of the Local Government Act 1072, the public be excluded for the following item of business on the ground that it involves the likely disclosure of exempt information as defined in Part 1 of Schedule 12A to the Act, as amended.

2. Charge of a Private Hire Driver Licensee for committing a serious criminal offence

The Sub-Committee received a late urgent report in respect of a private hire driver licensee being charged with a serious criminal offence. The report was being brought to the attention of the Committee for information only and was exempt because it related to ongoing criminal proceedings and the material included could not be disclosed outside of this meeting.

Resolved –

- (1) The Committee noted the content of the report and conveyed its support to the Police for the bail condition as described in the report;**
- (2) The Committee agreed that in the light of any material change of circumstances Nick Carter Regulatory Services Manager, Jonathan Martin Trading Standards & Licensing Manager or Emma Lake Licensing Team Leader, be granted full authority to afford a hearing to determine whether any action was required in respect of any and all licences held by the Licensee in connection with the provision of a private hire service in Bristol.**



3. Apologies for Absence and Substitutions

None received.

4. Declarations of Interest

Councillor Alexander declared a non-pecuniary interest in respect of item 6 as a member of the Downs Committee but confirmed he was not present at the Downs Committee when this item was considered and had not therefore reached an opinion on the merits of the Application.

Councillor Khan declared a non-pecuniary interest in respect of agenda item number 8 as he knew the family that operated the business as they were in his electoral ward however he confirmed that this would not bias his decision in any way.

5. Public Forum

Twenty five public forum statements were received objecting to the Sea Walls Street Trading Consent application (*a copy of each statement is held on record by Democratic Services*).

6. Sea Walls Concession

The Chair outlined the procedure that would be followed and introductions were made.

The Committee considered an application for the grant of Street Trading Consent. The applicant (SB) was present.

The Licensing Officer summarised the report and drew attention to the key issues set out in detail specifically that the Applicant bring the application in line with the byelaws consent which had been given to a company for different trading hours than those applied for as an individual under the street trading regime. The Applicant confirmed that he would.

The Applicant was then given an opportunity to speak at which point he announced withdrawal of the Application.

As a result of the high level public interest in this application and the duplicitous nature of the process for allowing such an application officers were asked to bring forward proposals to bring to an end the duplication of regulation of street trading on the Downs. It was understood that licensing officers had already met with Downs Committee officers to ensure a process was introduced to avoid a recurrence of this situation.

Resolved –



- (1) That the withdrawal of the Application be noted;**
- (2) That licensing officers bring forward proposals to bring to an end the duplication of regulation of street trading consent on the Downs.**

7. Lunch Box (Dacody Brown), Hengrove Way

The Committee considered an application for the Grant of Street Trading Consent. The applicant (DB) was present.

The Chair outlined the procedure that would be followed and introductions were made.

The Licensing Officer summarised the report and drew attention to the key issues set out in detail in the report. The Sub-Committee noted that another application had been received for this site for similar hours of operation. Officers recommended that determination of this application be deferred until after both applications had been heard.

Below is a summary of the principal points made in support of the application by DB –

- He had been allowed to trade at the site previously;
- There had been a pause in trading due to the business being revamped focussing on healthier food options;
- He had been told by Licensing team to re-apply with a fresh application to use the same site;

The Senior Licensing Officer explained the need for access to Hengrove Park and to be mindful of road safety aspects due to the close proximity of the site to a nearby road junction. If the site was moved additional permission would be required from the Parks department.

Resolved – that consideration of this Application be deferred pending consideration of the Application at agenda item 10.

8. Alis Sweets, Driveway to the Front 282 Fishponds Road

The Committee considered an application for the Grant of Street Trading Consent. The applicant (AA) was present.

The Chair outlined the procedure that would be followed and introductions were made.

The Licensing Officer summarised the report and drew attention to the key issues set out in detail in the report and referred to an additional paper from the Local Planning Authority (LPA) which commented on the current application.



Below is a summary of the principal points made in support of the application by AA –

- Claimed that at the start of trading he had been informed there was no requirement for planning consent or license consent but after three weeks of trading a PCSO informed him that a STC licence was required;
- Had traded for seven quarters without being informed of the need for planning consent;
- There was apparent confusion between the planning and licensing aspects for consent;
- Had been trading for two years and there had not been any parking issues brought to his attention;
- There was no empirical evidence of causing a nuisance to the community;
- Customers had asked for this facility and there had not been any known dissent as was popular within the local community;
- Unaware of need for planning consent;

Below is a summary of the principal points made about the application by the LPA representative –

- The Sub-Committee should reject the Application in its current configuration;
- An e-mail dated 2 October 2014 which had been sent to the Applicant clearly stated that planning permission was required and in this case would not be granted;
- A planning application needed to be made as trading and associated use of the land and other structures constituted a Change of Use;
- In spite of advice being given about the need for planning consent Sunday trading had commenced and continued to take place and the business at that site had now become an enforcement issue;
- Retrospective planning permission could be applied for but with its current configuration would not likely be granted due to issues of Public Nuisance relating to noise, disturbance and cooking smells;

The Sub-Committee noted that an existing STC licence was in force and that a separate one had been applied for to extend the business which included Sunday trading. It remained to be clarified if the existing application required planning permission.

After further consideration it was –

Resolved – that the Application for a Street Trading Consent be granted subject to planning permission and that the existing Street Trading Consent remain in force.

9. Yasins Burgers, Mandeeg Trade Centre Car Park, St Gabriel's Road



The Committee considered an application for the Grant of Street Trading Consent. The applicant (AA) was present.

The Chair outlined the procedure that would be followed and introductions were made. Councillor Shah attended and spoke in support of the Applicant.

The Licensing Officer summarised the report and drew attention to the key issues set out in detail in the report. The Sub-Committee was advised that a number of documents were still outstanding which were –

1. Two colour photographs of the applicant;
2. A basic criminal records disclosure in the name of the applicant;
3. Three colour photographs of the trading unit illustrating different elevations of the unit;

After further consideration it was –

Resolved – that, subject to receipt of the outstanding documentation and its validity, the Application for a Street Trading Consent be granted.

10 GB Grills, Hengrove Way

The Committee considered an application for the Grant of Street Trading Consent. The applicant (GH) was present.

The Chair outlined the procedure that would be followed and introductions were made.

The Licensing Officer summarised the report and drew attention to the key issues set out in detail in the report. The Sub-Committee was reminded that another application had been received for this site for similar hours of operation which had been heard at agenda item 7. Officers had recommended at that point that determination of that application be deferred until this application had been heard.

The Senior Licensing Officer reminded the Sub-Committee of the need for access to Hengrove Park and to be mindful of road safety aspects due to the close proximity of the site to a nearby road junction. If the site was moved additional permission would be required from the Parks department.

After due consideration of this application and the one considered at agenda item 7 it was –

Resolved – that the Application for DB be granted and the Application for GH be refused for the reason that DB had a known history of trading on the site and the more healthy food option to be provided was more favourable.



11 Exclusion of Press and Public

Resolved – that under Section 11A (4) of the Local Government Act 1072, the public be excluded for the following items of business on the ground that it involves the likely disclosure of exempt information as defined in Part 1 of Schedule 12A to the Act, as amended.

12 Renewal of a Private Hire Driver's Licence - DC

The Chair made introductions and outlined the procedure.

The Senior Licensing Officer reported that the applicant had submitted an application for the renewal of a Private Hire Driver Licence (PHV) following previous convictions for a major and minor traffic offence. There were extenuating circumstances relating to these events, which the Sub-Committee gave full consideration to.

After further conisation it was –

Resolved – that the Application to renew a Private Hire Driver Licence be granted.

13 Private Hire Vehicle Licence Seeking Departure from Council Policy - KL

(Councillor Windows was not in attendance for this item)

The Chair made introductions and outlined the procedure.

The Senior Licensing Officer reported that the applicant had submitted an application for the grant of a Private Hire Vehicle (PHV) licence seeking a departure from council policy and a request for an exemption from the display of plates on a PHV.

A completed application for the grant of a new PHV licence had been received on 29 June 2016 relating to a Mercedes-Benz E300 AMG Sport Bluetec Hybrid. The vehicle was first registered on 2 April 2014 and could accommodate four passengers. The applicant stated the vehicle had privacy glass, WiFi connection, air conditioning, heated seats, and rear arm rests. The work undertaken would be through Club Cars, an operator licensed by the Council.

The vehicle had undergone an inspection at the Council's Fleet Services Department and it was found that the vehicle was fitted with tints on the rear windows. The reading taken recorded that 18% of light was transmitted through the glass. The Council's inspection standard did not permit tints which obscured the view of persons travelling in the vehicle.



Members of the Sub-Committee visually inspected the vehicle prior to consideration of the Application.

The following points arose from questioning:-

- The applicant logged all vehicle hire journeys which provided a level of safety to passengers as all details about him were formally recorded;
- Other vehicles had been permitted to depart from council policy in respect of tinted windows;
- the applicant confirmed that although the vehicle would be used for executive work, it would also be used as a normal private hire vehicle on weekends;

After careful consideration the Sub-Committee concluded that a departure from the Council's Policy in this particular case would undermine the purpose of the Policy and therefore it was unanimously -

Resolved – that the Application, seeking a departure from council policy and an exemption from the display of plates on a PHV, be refused.

Meeting ended at 4.30 pm

CHAIR _____

