

Public Safety and Protection Committee Sub B Agenda



Date: Tuesday, 19 September 2017
Time: 10.00 am
Venue: City Hall

Distribution:

Councillors: Nicola Bowden-Jones, Chris Davies, Richard Eddy (Vice-Chair), Carole Johnson, Mike Langley, Paula O'Rourke, Ruth Pickersgill (Chair), Lucy Whittle and Chris Windows

Copies to: Nick Carter, Ashley Clark, Lynne Harvey, Michael Bonnick, Emma Lake, Sarah Flower, Abigail Holman, Carl Knights, Wayne Jones, Andrew Lyle (Licensing Enforcement Officer) and Claudette Campbell (Democratic Services Officer)

Issued by: Claudette Campbell, Democratic Services
City Hall, College Green, Bristol, BS1 5TR

Tel:

E-mail: democratic.services@bristol.gov.uk

Date: Monday, 11 September 2017



Agenda

1. Apologies

(Pages 5 - 6)

2. Declaration of Interest

3. Public Forum

The total time allowed for public forum business is 30 minutes.

Any member of the public or Councillor may participate in Public Forum. The detailed arrangements for so doing are set out in the **Public Information Sheet** at the back of this agenda. Public Forum items should be emailed to democratic.services@bristol.gov.uk and please note that the following deadlines will apply in relation to this meeting:-

Questions - Written questions must be received 3 clear working days prior to the meeting. For this meeting, this means that your question(s) must be received in this office at the latest by 5 pm on Wednesday 13th September 2017.

Petitions and Statements - Petitions and statements must be received on the working day prior to the meeting. For this meeting this means that your submission must be received in this office at the latest by 12.00 noon on Monday 18th September 2017.

4. Suspension of Committee Procedure Rules CMR10 and CMR11 Relating to the Moving of Motions and Rules of Debate

Recommended – that having regard to the quasi-judicial nature of the business on the Agenda, those Committee Procedure Rules relating to the moving of



motions and the rules of debate (CMR10 and 11) be suspended for the duration of the meeting.

5. Exclusion of the Press and Public

Recommended – that under Section 11A (4) of the Local Government Act 1972 the public be excluded from the meeting for the following items of business on the ground that involve the likely disclosure of exempt information as defined in Part 1 of Schedule 12A to the Act, as amended.

6. Conviction of a Hackney Carriage Driver's Licence - JAS

To seek consideration of whether any action is required as a result of a court conviction since the grant of a hackney carriage driver's licence.

(Pages 7 - 23)

7. Notification of a Medical Procedure, Seeking Departure from Council Policy - AM

To seek consideration of whether any action is required following on from notification of a medical procedure.

(Pages 24 - 40)

8. Application for the Grant of a Private Hire Vehicle Licence Seeking Departure from Council Policy and Request for Plate Exemption - AI

To seek consideration of 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.

(Pages 41 - 48)

9. Application for the Renewal of a Private Hire Vehicle seeking departure from Bristol City Council Policy - II

To seek consideration of an application for the grant of a Private Hire Vehicle (PHV) licence seeking a departure from council policy.

(Pages 49 - 54)

10. An Application for the Grant of a Private Hire Driver Licence seeking Departure from Council Policy - DA

To seek consideration of an application for the grant of a Private Hire Driver (PHD) licence.

(Pages 55 - 74)



The Following Items (11) & (12) to be heard in Open, non-exempt, Session.

11. To Consider an Application for the Grant of Street Trading Consent(s) at Pavement in front of Freshford House, Redcliffe Way, Bristol - FP

To determine an application for the grant of a Street Trading Consent at the following location: Pavement in front of Freshford House, Redcliffe Way, Bristol

(Pages 75 - 107)

12. To Consider an Application for the Grant of Street Trading Consent(s) at Lay-By At St Catherines Court, Berkeley Place, Bristol - IC

To determine an application for the grant of a Street Trading Consent at the following location: Lay-By At St Catherines Court, Berkeley Place, Bristol

(Pages 108 - 117)



Public Information Sheet

Inspection of Papers - Local Government (Access to Information) Act 1985

You can find papers for all our meetings on our website at www.bristol.gov.uk.

You can also inspect papers at the City Hall Reception, College Green, Bristol, BS1 5TR.

Other formats and languages and assistance For those with hearing impairment

You can get committee papers in other formats (e.g. large print, audio tape, braille etc) or in community languages by contacting the Democratic Services Officer. Please give as much notice as possible. We cannot guarantee re-formatting or translation of papers before the date of a particular meeting.

Committee rooms are fitted with induction loops to assist people with hearing impairment. If you require any assistance with this please speak to the Democratic Services Officer.

Public Forum

Members of the public may make a written statement ask a question or present a petition to most meetings. Your statement or question will be sent to the Committee and be available in the meeting room one hour before the meeting. Please submit it to democratic.services@bristol.gov.uk or Democratic Services Section, City Hall, College Green, Bristol BS1 5UY. The following requirements apply:

- The statement is received no later than **12.00 noon on the working day before the meeting** and is about a matter which is the responsibility of the committee concerned.
- The question is received no later than **three clear working days before the meeting**.

Any statement submitted should be no longer than one side of A4 paper. If the statement is longer than this, then for reasons of cost, only the first sheet will be copied and made available at the meeting. For copyright reasons, we are unable to reproduce or publish newspaper or magazine articles that may be attached to statements.

By participating in public forum business, we will assume that you have consented to your name and the details of your submission being recorded and circulated to the committee. This information will also be made available at the meeting to which it relates and placed in the official minute book as a public record (available from Democratic Services).

We will try to remove personal information such as contact details. However, because of time constraints we cannot guarantee this, and you may therefore wish to consider if your statement

contains information that you would prefer not to be in the public domain. Public Forum statements will not be posted on the council's website. Other committee papers may be placed on the council's website and information in them may be searchable on the internet.

Process during the meeting:

- Public Forum is normally one of the first items on the agenda, although statements and petitions that relate to specific items on the agenda may be taken just before the item concerned.
- There will be no debate on statements or petitions.
- The Chair will call each submission in turn. When you are invited to speak, please make sure that your presentation focuses on the key issues that you would like Members to consider. This will have the greatest impact.
- Your time allocation may have to be strictly limited if there are a lot of submissions. **This may be as short as one minute.**
- If there are a large number of submissions on one matter a representative may be requested to speak on the groups behalf.
- If you do not attend or speak at the meeting at which your public forum submission is being taken your statement will be noted by Members.

Webcasting/ Recording of meetings

Members of the public attending meetings or taking part in Public forum are advised that all Full Council and Cabinet meetings and some other committee meetings are now filmed for live or subsequent broadcast via the council's [webcasting pages](#). The whole of the meeting is filmed (except where there are confidential or exempt items) and the footage will be available for two years. If you ask a question or make a representation, then you are likely to be filmed and will be deemed to have given your consent to this. If you do not wish to be filmed you need to make yourself known to the webcasting staff. However, the Openness of Local Government Bodies Regulations 2014 now means that persons attending meetings may take photographs, film and audio record the proceedings and report on the meeting (Oral commentary is not permitted during the meeting as it would be disruptive). Members of the public should therefore be aware that they may be filmed by others attending and that is not within the council's control.

Agenda Item 6

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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Agenda Item 7

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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Agenda Item 8

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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Agenda Item 9

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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Agenda Item 10

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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**BRISTOL CITY COUNCIL
PUBLIC SAFETY AND PROTECTION COMMITTEE
19th September 2017**

Report to consider an application for the Grant of Street Trading Consent(s) at Pavement in front of Freshford House, Redcliffe Way, Bristol

Applicants: **Mr Florin Pop**

Report of the Service Manager – Regulatory Services

Purpose of Report

1. To determine an application for the grant of a Street Trading Consent at the following location: Pavement in front of Freshford House, Redcliffe Way, Bristol

Background

2. With effect from 1 May 2009 the above location is designated as a consent street for the purpose of street trading legislation. Any street trading at that location other than under a street trading consent issued by the Council would constitute a criminal offence.
3. General conditions which would be attached to a licence/consent if granted are at **Appendix A**
4. Photographs of the proposed trading site are attached at **Appendix B** and a site location plan at **Appendix C**.
5. On 6th July 2017 Mr Florin Pop applied to sell the following goods:

Coffee, Cakes, Cold Drinks, Snacks
During the hours of 06:00 to 17:00 Monday to Friday
 08:00 to 19:00 Saturday
 09:00 to 17:00 Sunday

Photographs of Mr Pop's trading unit are attached at **Appendix D**. Mr Pop has indicated that the unit would be stored on a private driveway when not in use.

Consultation

6. The Council's policy states that normally consultation will take place with the following interested parties:-
 - a. Local Residents
 - b. Local businesses
 - c. Bristol City Council – Highways officer
 - d. Bristol City Council – Planning Team
 - e. Bristol City Council – Food Safety Team
 - f. Bristol City Council – Pollution Control Team
 - g. Bristol City Council – Councillor
 - h. Avon and Somerset Police

Representations have been received in respect of this consultation and they are attached as **Appendix E**

Members considered previous applications from a Mr Demiroglu at this site, for similar products, similar times, from a trailer, at a hearing on 20 September 2016 and 28th March 2017. The applications were refused because the committee determined on that occasion that the location was not suitable for a unit based on commercial need and the potential for public nuisance. The original reports including the representations made and the minutes of that hearing are attached at **Appendix F** and **Appendix G**

As such officers assessed that they could depart from the policy and did not undertake a full consultation in this instance. The representations in the previous report raise many issues which officers feel would be appropriate to consider when determining this application.

Officer Considerations

7. Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982 deals with street trading consents. Subject to certain exemptions that do not apply to this application, Paragraph 7 enables the council to grant a licence if they think fit. The council may attach such conditions as they consider necessary, which may include among other things conditions to prevent obstruction of the street or danger to persons using it, nuisance

or annoyance etc. Consent may include permission for its holder to trade in a consent street from to trade from a stationery van, car, barrow or other vehicle, or from a portable stall. Unless such permission is included the act prohibits a consent holder trading from a van or other vehicle or from a stall, barrow or cart.

- a. If such a permission is included then the council may include conditions
 - (a) as to where the holder of the street trading consent may trade by virtue of the permission; and
 - (b) as to the times between which or periods for which he may so trade.
 - b. A street trading consent may be granted for any period not exceeding 12 months but may be revoked at any time. The holder of a street trading consent may at any time surrender his consent to the council and it shall then cease to be valid.
8. The applicant has been provided with a copy of the report and has been invited to the meeting.

RECOMMENDED The committee is asked to refuse the application.

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985
Background papers

Appendices

Appendix A	Standard Conditions attached to street trading consents
Appendix B	Site photos
Appendix C	Site location plan
Appendix D	Photos of the trading unit
Appendix E	Representations received in respect of this application
Appendix F	Report and Minutes of PSP meeting 26 January 2016
Appendix G	Report and minutes of PSP meeting 28th March 2017

Contact Officer: Mrs Sarah Flower, Senior Licensing Officer

Ext: Telephone 0117 3574900

**GENERAL CONDITIONS THAT WILL NORMALLY BE ATTACHED
TO STREET TRADING CONSENTS**

1. The consent holder shall only trade on the days and between the times stated on the consent.
2. The consent holder shall only trade in the description of articles stated on the consent.
3. The consent holder shall not carry on business on any street so as to cause obstruction or cause danger to people using the street.
4. The consent holder shall not carry on business from any vehicle or erect or place any stall or other structure in any street except in the area mentioned in the consent.
5. The consent holder shall not sell, offer or expose for sale any goods or articles other than those described within the principle terms of this consent.
6. The consent holder shall on all occasions, when carrying on business, be strictly sober, and conduct him/herself in a proper, civil and courteous manner, and he/she shall not carry on his/her business in such a way as to cause annoyance to the occupier or person in charge of any shop, business, resident, or any person using the street.
7. The consent holder shall at all times conduct his/her business and position any vehicle used by him/her in connection with his/her business in such a manner that no danger is likely to arise to persons trading or intending to trade.
8. The consent holder shall at all times conduct his/her business in a clean and tidy manner.
9. The consent holder shall ensure that a copy of the consent is clearly visible to the public.
10. The consent holder shall not permit any person to assist him/her in his/her trading unless the details of that person have been supplied to the Licensing Authority. Any such person shall be issued with an identification badge by the Licensing Authority.
11. If, during the currency of any consent any material change occurs in the facts of which particulars and information were

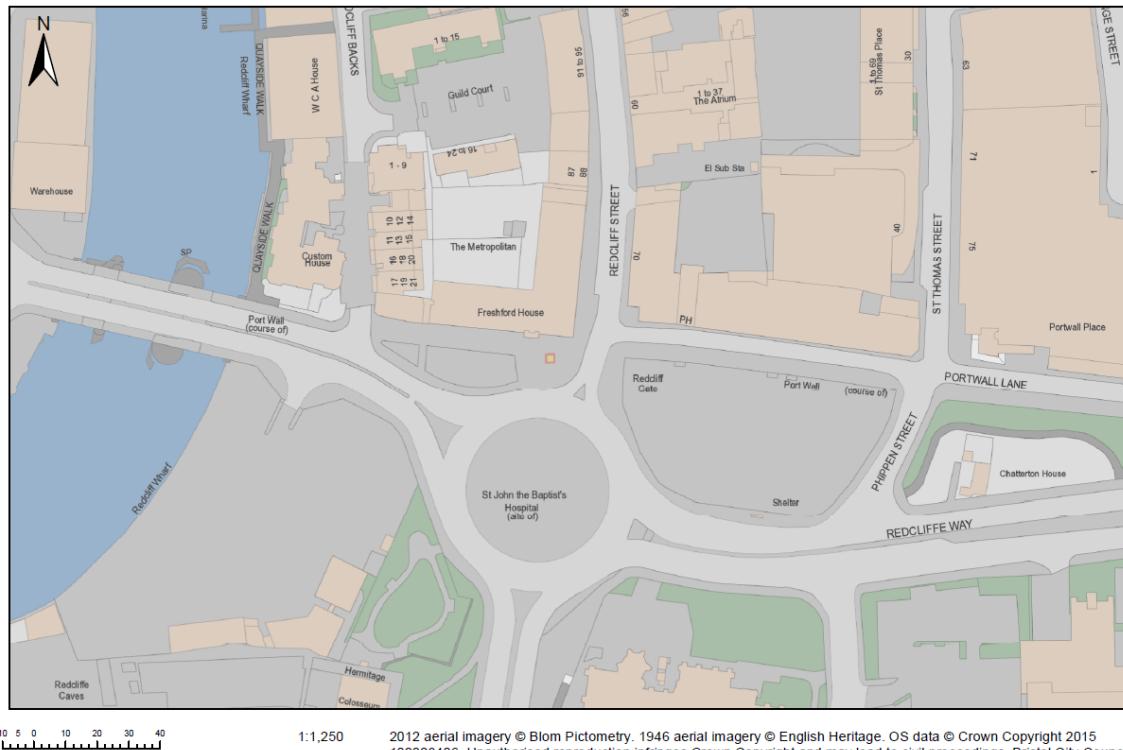
contained in, or given along with, the application for the consent, the holder of the consent shall report such changes to the Licensing Authority within 72 hours of that change.

12. Any motor vehicle used for the purpose of street trading shall at all times be in a roadworthy condition and have the relevant documents i.e. insurance, tax and MOT to make the use of that vehicle on a road legal. These documents will be produced by the consent holder to any police officer or authorised officer of the Council.
13. Neither the consent holder nor any assistant shall display merchandise which is likely to cause offence or distress to any other person or which would be deemed an offence under any other legislation.
14. A consent holder selling food shall at all times comply with any food hygiene regulations in force at that time, and when required by the Licensing Authority, shall produce appropriate food handling certificates.
15. The city council reserves the right to alter or amend these conditions at any time.
16. The subletting of any consent is prohibited.
17. The consent holder shall be responsible for the temporary storage of refuse, liquid and other material accumulated or created whilst trading and its subsequent removal from the site. The removal and disposal must be to the satisfaction of the council.
18. The consent holder shall not cause any nuisance or annoyance to persons using the street.
19. The consent holder if intending to sell food from a stationery vehicle/stall shall operate from a purpose made vehicle/stall constructed and managed so as to comply with the relevant hygiene regulations currently in force within the provisions of the Food Safety Act 1990, and any subsequent changes to those regulations.

Appendix B

Mr Pop's Coffee

Document created on Wednesday 3rd May 2017 at 13:26

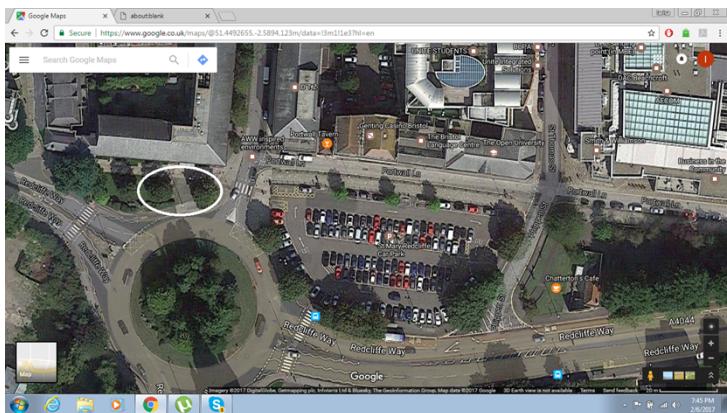


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Appendix C



Appendix D



Appendix E

1.

I am implacably opposed to the prospect of more noise and mess that will be produced if you allow this application to proceed. The site proposed would create a pinch point in a very busy area as well as obscuring the view of vehicles approaching the zebra crossing.

Please do not allow this foolish request to succeed.

2. City Design

A van in this location would potentially damage the mature tree and impede access to and visibility onto the Legible City information sign, which is not acceptable on this key pedestrian/cycle route into the city centre.

3.

We would like to oppose to the proposed application for a street trading unit located outside Freshford house, Redcliffe Way.

We feel that there are enough trading vans in the local area (5 within a 5 minute walk) and they won't be selling anything that's different to the others, along with the Co-op just along the road and various sandwich shops in the area.

It also means more rubbish on the floor, this is a particularly bad problem outside of Freshford House already. Along with extra vermin from dropped food. We also feel that the pavement isn't big enough for a unit there. It gets very busy during rush hour and this will create more problems with a unit to get passed as well.

AGENDA ITEM NO

BRISTOL CITY COUNCIL PUBLIC SAFETY AND PROTECTION COMMITTEE

20 September 2016

Application for the Grant of Street Trading Consent at Pavement Area Outside Of Car Park, Redcliff Street, Bristol

Applicant: Bayram Demiroglu

Proposed trading name: Kitchen of Anatolia - Redcliffe

Report of the Service Manager – Regulatory Services

Purpose of Report

To determine an application for the grant of a Street Trading Consent at the following location: Land Fronting Freshford House, Redcliffe Way, Bristol

Background

1. With effect from 1 May 2009 the above location is designated as a consent street for the purpose of street trading legislation. Any street trading at that location other than under a street trading consent issued by the Council would constitute a criminal offence.
2. General conditions which would be attached to a licence/consent if granted are at Appendix A
3. On 13 January 2016 Bayram Demiroglu applied for a street trading consent which, if granted, would enable the applicant to trade lawfully at the above location. The applicant has applied to sell the following goods:
Falafel, Houmus, Cous Cous, Chicken, Fresh Salad, Pitta Bread, Kidney Beans, Bottled Water and Fizzy Drinks

During the hours of:

Monday to Friday 07:00 to 17:00

Saturday 08:00 to 17:00

Sunday 09:00 to 15:00

4. Photographs of the unit and proposed trading site are attached at Appendix B and a site location plan at Appendix C.
5. The land from which Bayram Demiroglu wishes to trade is public highway

Consultation

6. In line with the Council's policy consultation has taken place with the following interested parties:-

Local Residents
Local businesses
Bristol City Council – Highways officer
Bristol City Council – Planning Team
Bristol City Council – Food Safety Team
Bristol City Council – Pollution Control Team
Local Councillors
Avon and Somerset Police

Standard consultation was undertaken in respect of this application.

As the site also incorporates a number of multiuse pathways, and is nearby to the upcoming Temple Gate development we also consulted with the Council's Development Planning Team.

7. Consultation Responses

The following responses have been received.

Appendix D - Residents and businesses
Appendix E - Other agencies

8. Officer Considerations

If members were minded to grant the application the following documents are still outstanding which are:

1. A basic criminal records disclosure in the name of the applicant

Should the basic disclosure reveal any relevant unspent convictions the applicant may need to provide further information, or the application be referred back to committee prior to a consent being issued.

9. Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982 deals with street trading consents. Subject to certain exemptions that do not apply to this application, Paragraph 7 enables the council to grant a licence if they think fit. The council may attach such conditions as they consider necessary, which may include among other things conditions to prevent obstruction of the street or danger to persons using it, nuisance or annoyance etc. A consent may include permission for its holder to trade in a consent street from to trade from a stationery van, car, barrow or other vehicle, or from a portable stall. Unless such permission is included the act prohibits a consent holder trading from a van or other vehicle or from a stall, barrow or cart.

If such a permission is included then the council may include conditions

- (a) as to where the holder of the street trading consent may trade by virtue of the permission; and
- (b) as to the times between which or periods for which he may so trade.

A street trading consent may be granted for any period not exceeding 12 months but may be revoked at any time. The holder of a street trading consent may at any time surrender his consent to the council and it shall then cease to be valid.

9. Bayram Demiroglu has been provided with a copy of the report and has been invited to the meeting.

RECOMMENDED the committee is asked to refuse the application

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985
Background papers

Contact Officer: Mrs Sarah Flower, Senior Licensing Officer, Neighbourhoods

Ext: Telephone 0117 3574900

Appendix A	General Conditions
Appendix B	Unit and site photographs
Appendix C	Site Location Plan
Appendix D	Interested party responses
Appendix E	Other agency responses

APPENDIX B





8



9



APPENDIX C

Kitchen of Anatolia

Document created on Thursday 8th September 2016 at 10:57



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APPENDIX D

Rep 1

I have no objections to the proposed development ... except that it suggests that the litter bin removed (after damage) a couple of years ago at the top of Welsh Back should be replaced

Rep 2

I have been made aware of the enclosed street trading consent and I strongly oppose you granting such licence.

I am the landlord of Freshford House, and as you will see I am spending a large amount of capital refurbishing the premises into an improved condition and granting such a licence would be detrimental to the let ability of the property.

Furthermore:

- Its right outside our front door which will create congestion and unwanted pedestrian traffic
- It won't appeal to corporate occupiers and probably not to a majority of occupiers
- Its not a high class provider
- In what is already a busy pedestrian/cyclist route, it will add yet more congestion

I look forward to receiving confirmation that you have received this email and that you will not be granting such a licence right outside my office entrance.

Rep 3

I would like to object to the application for street trader fronting Freshford House. I'm always worried everytime I walk along that pavement. It's a very crowded area especially during rush hour with cyclists weaving in and out of pedestrians. To put a fast food outlet on the pavement would be absolute madness. There is one

further along if anyone is desperate for some houmus or kidney beans.

Rep 4

Thank you for your letter. My main concern is litter and congestion on the pavement. I am not clear if it would be by the statue or the end of the street. More generally, there seems to be so many eating outlets, please can we address this by increasing the frequency of street cleaning and bin emptying.

Rep 5

We've been sent the above application in relation to a hot food van being placed outside the above property. We are both agents for Freshford House which is currently under refurbishment and tenants of the building opposite on Redcliffe Street. We have many concerns and object to this application because:

- Its right outside the front door of Freshford which will create congestion and unwanted pedestrian traffic to a building which AEW are investing many millions of pounds into with the intention of generating jobs, investment and an improved economy in Bristol City Centre
- It won't appeal to corporate occupiers and probably not to a majority of occupiers thus potentially making this building a 'white elephant'.
- Its not a high class provider and will cheapen the locality. We already have a much smarter offering, Pickle, a few hundred yards away on Portwall Lane in a far more suitable location
- In what is already a busy pedestrian/cyclist route on the Brunel Mile, it will add yet more congestion. Already this crossing causes additional vehicular congestion by more people using the zebra crossing and this will only add more delays. This is also a route used constantly by ambulances and fire engines which must be a safety concern
- It would also negatively impact car drivers vision of bikes/pedestrians approaching the zebra crossing as they come around the roundabout into Redcliffe Street

Rep 6

I wish to object to the application on various grounds. First, there is already sufficient provision in the area of snack foods of the type the applicant is proposing to supply. There is an existing street trading trailer some 200 metres away on Portwall Lane, towards Temple Meads station. The Co-Op has a branch on Redcliffe Street which sells snack foods and there are similar shops on Redcliffe Hill.

Second, this stall will generate considerable amounts of rubbish. There is a considerable throughput of pedestrians walking between the city centre and Temple Meads station, across Queen Square, over Redcliffe Bridge and along Portwall Lane/ Redcliffe Way. Very many are likely, let us face it, to discard litter as they walk, making an unsightly mess and encouraging vermin. Local residents like me already have to contend with pedestrians dumping their litter on Redcliffe Backs and Redcliffe Street and this new stall would exacerbate that problem.

Thirdly, this is a congested place, especially during the morning and evening rush hours, with large numbers of people walking and cycling past the proposed site of the stall. The risk of people stopping at the stall being struck by passing cyclists or causing them to collide with other pedestrians should not be underestimated.

There might be a good location for this stall but, in the view of my wife and me, this is not it.

Rep 7

I will be implacably opposed to this application as a resident and would see this as an infringement upon my quality of life. Fast food odours are not pleasant and nor is an increase in litter, food debris, compressor noise and vermin.

Appendix E

Rep 8 - City Design

I don't think there is room under the tree there without damaging it. Am happy in principle with the settled area so long as Phil's concerns can be addressed - eg impact on tree and access at peak times on this busy route pedestrian/cycle route

Rep 9 - Highways

I'm guessing the trader is looking at the stone sett surfaced area shown on the Street View image attached, so I've roughly ringed around two possible areas where the trailer might be able to fit. It will depend on the height of the trailer in respect of the site nearest the tree. I'm not sure if the trailer is to remain on site but if it is transported daily there could be access problems (I'm guessing the trader intends to use the dropped kerbs from the Redcliff St pedestrian crossing). With 08.00 to 17.00 trading hours Mon-Sat, main road traffic would be delayed at the worst times.

**Bristol City Council
Minutes of the Public Safety and
Protection Sub-Committee B**



20th September 2016 at 10.00 am

DISCLAIMER

The attached Minutes are DRAFT. Whilst every effort has been made to ensure the accuracy of the information and statements and decisions recorded in them, their status will remain that of a draft until such time as they are confirmed as a correct record at the subsequent meeting

Members Present

Councillors: Donald Alexander, Richard Eddy (for Cllr Windows) and Paula O'Rourke

Officers in Attendance: Ashley Clark (Regulatory Lawyer), Sarah Flower (Senior Licensing Officer), Norman Cornthwaite (Democratic Services Officer)

1. Election of Chair

In the absence of Councillor Khan, Councillor Alexander was elected Chair for the duration of the Meeting.

2. Apologies for Absence and Substitutions

Apologies were received from Councillor Windows and his substitute was Councillor Eddy.

3. Declarations of Interest

There were none.

4. Public Forum

Nothing was received.

5. Consideration of the Suspension of Committee Procedure Rules CMR10 and CMR11 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 Procedure Rules relating to the moving of motions and the rules of debate (CMR10 and 11) be suspended for the duration of the meeting).

6. Application for the Grant of Street Trading Consent at Pavement Area Outside Of Car Park, Redcliff Street, Bristol

Applicant: Bayram Demiroglu

Proposed trading name: Kitchen of Anatolia – Redcliffe

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

The applicant was present.

The Senior Licensing Officer summarised the report and drew attention to the key issues set out in detail. She recommended that the application be refused.

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

- Business is very good at his current unit and his customers are very happy; most work in the area
- He offers food that is not offered at other local outlets
- He wants to open a second outlet as he does not want people to have to wait and cause congestion in the area
- He is aware of the Condition requiring him to remove the current trailer from site each evening but he is unable to comply with this Condition due to the difficulties of moving the unit
- He currently only operates during the lunchtime period, but if he is granted a Consent for a second unit he will trade for longer hours

The Senior Licensing Officer summarised the details of the current consent for Members.

The Senior Licensing Officer and the applicant left the room while the Committee made its decision.

The Committee noted the Policy and decided that the Consent should be refused on the grounds of lack of commercial need and congestion on the footway in the vicinity of the unit caused by its presence causing a public nuisance.

The Senior Licensing Officer and the applicant returned to the room to hear the decision.

Resolved – that the Consent be refused on the grounds of lack of commercial need and congestion on the footway causing a public nuisance.

7. 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.

8. Application for the Grant of a Private Hire Driver Licence Seeking Departure from Council Policy – TL

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

**1. BRISTOL CITY COUNCIL
2. PUBLIC SAFETY AND PROTECTION COMMITTEE
3. 28 March 2017**

Report to consider an application for the Grant of Street Trading Consent(s) at Pavement in front of Freshford House, Redcliffe Way, Bristol

Applicants: **Bayram Demiroglu – Redcliff Kiosk**

Report of the Service Manager – Regulatory Services

Purpose of Report

- 9.** To determine an application for the grant of a Street Trading Consent at the following location: Pavement in front of Freshford House, Redcliffe Way, Bristol

Background

- 10.** With effect from 1 May 2009 the above location is designated as a consent street for the purpose of street trading legislation. Any street trading at that location other than under a street trading consent issued by the Council would constitute a criminal offence.

- 11.** General conditions which would be attached to a licence/consent if granted are at Appendix A

- 12.** An application for street trading consent has been received for the above location details of which are provided below. If granted the consent would enable the applicant to trade lawfully at the above location.

4.

- 13.** Photographs of the proposed trading site are attached at Appendix B and a site location plan at Appendix C.

- 14.** On 29 September 2016 Mr Bayram Demiroglu applied to sell the following goods:

Coffee, tea, hot chocolate, fresh juices, cakes, muffins, panini, pastries, spring rolls, fizzy drinks, bottled water

During the hours of 0700 – 1700 Monday to Sunday

Photographs of Mr Demiroglu's trading unit are attached at Appendix D. Mr Demiroglu has indicated that the unit would remain onsite outside of the trading hours. Mr Demiroglu may need to seek planning permission if the unit is left in situ.

Consultation

15. The Council's policy states that normally consultation will take place with the following interested parties:-

- a. Local Residents
- b. Local businesses
- c. Bristol City Council – Highways officer
- d. Bristol City Council – Planning Team
- e. Bristol City Council – Food Safety Team
- f. Bristol City Council – Pollution Control Team
- g. Bristol City Council – Councillor
- h. Avon and Somerset Police

Members considered an application from Mr Demiroglu at this site, for similar products, similar times, from a trailer, at a hearing on 20 September 2016. The application was refused because the committee determined on that occasion that the location was not suitable for a unit based on commercial need and the potential for public nuisance. The original report including the representations made and the minutes of that hearing are attached at Appendix E.

As such officers assessed that they could depart from the policy and did not undertake a full consultation in this instance. The representations in the previous report raise many issues which officers feel would be appropriate to consider when determining this application.

Officer Considerations

16. Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982 deals with street trading consents. Subject to certain exemptions that do not apply to this application, Paragraph 7 enables the council to grant a licence if they think fit. The council may attach such conditions as they consider necessary, which may include among other things conditions to prevent obstruction of the street or danger to persons using it, nuisance or annoyance etc. Consent may include permission for

its holder to trade in a consent street from to trade from a stationery van, car, barrow or other vehicle, or from a portable stall. Unless such permission is included the act prohibits a consent holder trading from a van or other vehicle or from a stall, barrow or cart.

- a. If such a permission is included then the council may include conditions
 - (a) as to where the holder of the street trading consent may trade by virtue of the permission; and
 - (b) as to the times between which or periods for which he may so trade.
- b. A street trading consent may be granted for any period not exceeding 12 months but may be revoked at any time. The holder of a street trading consent may at any time surrender his consent to the council and it shall then cease to be valid.

17. The applicant has been provided with a copy of the report and has been invited to the meeting.

RECOMMENDED The committee is asked to refuse the application.

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985
Background papers

Appendices

- | | |
|-------------------|--|
| Appendix A | Standard Conditions attached to street trading consents |
| Appendix B | Site photos |
| Appendix C | Site location plan |
| Appendix D | Photos of the trading unit |
| Appendix E | Report and Minutes of PSP meeting 26 January 2016 |

Contact Officer: Ms A Holman, Senior Licensing Officer

Ext: Telephone 01173 574 900

Public Safety and Protection Committee Sub A

28th March 2017

Present:

Councillor Donald Alexander (for Cllr Pickersgill)
Councillor Eleanor Combley (for Cllr O'Rourke)
Councillor Chris Davies
Councillor Richard Eddy
Councillor Mike Langley (Chair)

Also in attendance:

Abigail Holman – Licensing Section
Ashley Clark – Legal Services
Norman Cornthwaite – Democratic Services

1. Apologies and substitutions

Apologies were received from Councillor Ruth Pickersgill, substitute Cllr Alexander; Councillor Paula O'Rourke, substitute Cllr Combley; and Councillor Anna Keen.

2. Declarations of Interest

None were received.

3. Public Forum

Nothing was received.

4. 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.

5. Application for the Grant of a Private Hire Driver's Licence – RK

RK was in attendance.

The Licensing Officer introduced the report and summarised it for everyone highlighting the

Applicant's Conviction and BCC's Policy.

RK put his case highlighting the following:

- He committed the offence 15 days after being granted a Licence by Blaenau Gwent Council; he was not aware that it was an offence
- He has never done it again
- He had paid his fine to the Court
- He works only 2 days a week in Bristol
- He has the required insurance
- He has 2 children to support
- He has learnt from the mistake and will never do it again
- He wants to study for the Knowledge Test

RK then answered questions providing the following information:

- He surrendered his Blaenau Gwent Licence when he applied to South Gloucestershire
- He held the Blaenau Gwent Licence for 6 months
- He now understands that Private Hire Licence only allows the holder to pick up prebooked fares

The Licensing Officer and the Applicant left the room whilst the Committee made its decision.

Decision

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

them. They also noted their Policy in relation to the offence committed. Members noted that he had admitted the offence on his application form that more than 6

months had passed since the date of his conviction.

The Committee decided to grant a Private Hire Driver's Licence to RK subject to him passing

the other parts of the Fit and Proper Person Test.

Everyone returned to the room to hear the decision announced.

Resolved – that the application for a Private Hire Driver's Licence made by RK be granted

subject to him passing the other parts of the Fit and Proper Person Test, including the DVSA test, or approved alternative within one year of the issue of the Licence.

6. Application for the Grant of a Private Hire Driver's Licence – AJA

AJA was in attendance accompanied by a Colleague, Solicitor and an Interpreter. It was noted that the Interpreter works part time as a taxi driver, but that he was in attendance at

this Hearing in his capacity as a BCC Interpreter.

The Licensing Officer introduced the report and summarised it for everyone highlighting the

Applicant's Convictions and BCC's Policy.

The Solicitor put the case for AJA highlighting the following:

- AJA is applying for a Private Hire Driver's Licence having previously held a Hackney Carriage Licence issued by Blaenau Gwent Council
- He had pleaded guilty to the offences and been fined, and disqualified
- This is his only recorded offences
- He arrived in the UK in 2006, has a history of employment, lives in Bristol and has children at school
- He deeply regrets the offences and should he be granted a licence he would never jeopardise it by committing any further offences
- The date of the conviction was almost a year ago and the disqualification was not for a major traffic offence
- Each case should be considered on its merits

AJA then answered questions providing the following information:

- He held a licence with Blaenau Gwent Council and surrendered it after the offences
- He understands that should he be granted a Private Hire Driver's Licence he would not be able to ply for hire – he can only accept pre-booked passengers
- He confirmed that he was not familiar with the Blaenau Gwent area as he had not worked there whilst he held a licence issued by Blaenau Gwent Council. When the licence was first issued to him there had been no requirement to work in the area. When Blaenau Gwent Council changed their regulations requiring drivers to work mostly in the area he decided to work in Bristol whilst he learned the area prior to applying for a Licence to BCC. He surrendered the Blaenau Gwent Council Licence after committing the offences for which he was convicted.

The Licensing Officer and the Applicant's party left the room whilst the Committee made its decision.

Decision

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

them. They also noted their Policy in relation to the offences committed.

The Members were not convinced that AJA had shown himself to be a Fit and Proper Person to hold a Private Hire Driver's Licence. They had concerns about his honesty. In particular he had not been very forthcoming about having not worked in the Blaenau Gwent area but instead having worked in Bristol. He then committed offences in Bristol, but had not been very open about explaining the circumstances of the offences or the reasons for committing them.

Members were also concerned that the applicant had been disqualified for a period of 4 weeks and whilst this had not been given in respect of a major motoring offence, less than

12 months had passed since the return of his licence

The Committee therefore decided to refuse the application from AJA.

Everyone returned to the room to hear the decision announced.

Resolved – that the application for a Private Hire Driver's Licence made by AJA be refused

for Any Other Reason as he had not convinced the Committee that he was a Fit and Proper

Person to hold such a Licence.

The following items were considered in Open (Non Exempt) Session

7. Application for the Grant of a Street Trading Consent at Avonmouth Road (B4054)

directly under raised section of the M5 – PH

PH was in attendance.

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

PH put his case highlighting the following:

- He has lived in the area most of his life and has been a community representative
- He has been out of work for more than a year and bought the trailer out of his redundancy money
- He has spent some time looking for a site that took account of safe access for pedestrians
- He only intends to trade from 5.00 pm until about 8.30 pm leaving the rest of the time for tidying up and clearing the site
- The trailer will be placed on the highway but this will not cause any safety problems as the highway is wide enough – 8.0 metres and the trailer 2.2 metres - and there is already a lot parking in the area
- The area will be kept clean and tidy

PH then answered questions highlighting the following:

- The business is not sustainable enough to operate every day of the week
 - He also wants to provide catering at other events
 - He was intending to park his vehicle in front of the trailer but could park it elsewhere if required
 - The pizzas come in whole boxes and once prepared take 2 minutes to cook; this means that people will not have to park for more than 5 minutes
 - The bridge is well lit and the trailer will be parked at the start of the bridge making it very visible
 - Although there are other food outlets in the area, this one will be serving healthy food
- SP made a statement in support of PH explaining his experience in relation to his business.

The Licensing Officer and the Applicant's party left the room whilst the Committee made its

decision.

Decision

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

Members noted that there had been no objections from Highways and considered that litter and parking would not present any problems.

The Committee therefore decided to grant the Street Trading Consent to PH subject to the Conditions.

Everyone returned to the room to hear the decision announced.

Resolved - that the application for a Street Trading Consent at Avonmouth Road (B4054)

directly under the raised section of the M5 be granted to PH, subject to the Conditions

attached to the report at Appendix A.

8. Application for the Grant of a Street Trading Consent at Paved Area by the Fountains

outside City Hall, College Green – BD-A

BD-A was in attendance.

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

BD-A put his case highlighting the following:

- He made an application for the same site last year, which was refused
- He intends to sell healthy food which will be popular with customers
- It will be a good outlet and he can provide security if required
- He will employ other staff
- The trailer will be removed from the site at the end of trading
- He wants to use mains electric and will keep the area tidy

BD-A then answered questions highlighting the following:

- He has not read the Police Representation but having worked in restaurants for a number of years he has a lot of experience of dealing with people
- If the Premises Licence (for the sale of hot food between 23.00 and 05.00) is refused, 2 hours trading would not be viable

The Licensing Officer and the Applicant left the room whilst the Committee made its decision.

Decision

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

Members noted that they could take account of the Police concerns about crime and disorder. They also noted that they could consider how the trailer would access the site and

the quality of the food to be sold in the area.

Members confirmed that they had concerns about crime and disorder, public safety, the quality of food to be sold in the area and how the trailer would access the site. They also endorsed the reasons for refusal last year.

The Committee therefore refused the application for the Street Trading Consent.

Everyone returned to the room to hear the decision announced.

Resolved – that the Application for the Grant of a Street Trading Consent at Paved Area by the Fountains outside City Hall, College Green made by BD-A be refused.

9. Application for the Grant of a Street Trading Consent at Pavement in front of

Freshford House, Redcliffe Way – BD-A

BD-A was in attendance, accompanied by Councillor Shah.

The Licensing Officer introduced the report and summarised it for everyone. The applicant

made an application for the same site last year, which was refused.

BD-A put his case highlighting the following:

- A lot of people pass the site
- He is proposing to provide tables and chairs at the location
- He will be selling different food from that proposed last year
- The site is big enough to accommodate the unit

BD-A then answered questions highlighting the following:

- He will be offering something different from the other businesses in the area

Councillor Shah made a statement in support of BD-A.

The Licensing Officer and the Applicant left the room whilst the Committee made its decision.

Decision

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

Members did not consider that this was a suitable location for the unit for reasons of public

safety. The Committee therefore refused the application for the Street Trading Consent. Everyone returned to the room to hear the decision announced.

Resolved – that the Application for the Grant of a Street Trading Consent at the Pavement

in front of Freshford House, Redcliffe Way made by BD-A be refused.

10. 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.

11. Application the Renewal of a Private Hire Driver's Licence – GKC

GKC was in attendance.

The Licensing Officer introduced the report and summarised it for everyone highlighting BCC's Policy in relation to this offence.

GKC stated that he made a mistake which had had a very bad effect on his life.

GKC answered questions providing the following information:

- He has attended a Change Course
- He had picked up the woman in Portland Square thinking that she was a fare
- She got into his taxi and offered him sex saying "Want some fun?"
- He realised that she was a prostitute and when he stopped in a car park he was approached by the Police and arrested
- He had been caught for speeding in December 2016 and had attended a Speed Awareness Course
- He did say initially that he thought she was a fare, but he admitted that she had offered him sex before she got into his vehicle, when questioned further about it.

The Licensing Officer and the Applicant left the room whilst the Committee made its decision.

Decision

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

They also noted their Policy in relation to the offence committed.

Members noted that GKC should not have picked up the woman as she was not a prebooked

fare and that he did not disclose the offence on his application form. As a PHD he should not have pulled up, even if he had initially thought she was a fare.

The Committee decided to refuse the application to renew the Private Hire Driver's Licence

held by GKC as not enough evidence had been presented to the Committee to convince it to

set aside its Policy in this instance.

Everyone returned to the room to hear the decision announced.

Resolved – that the application for the renewal of a Private Hire Driver's Licence made by GKC be refused.

12. Conviction of a Private Hire Driver – PS

PS was in attendance.

The Licensing Officer introduced the report and summarised it for everyone highlighting BCC's Policy in relation to this offence.

PS explained the circumstances of the offence – he had been on a night out in Park Street when his group had become involved in an altercation with another group of individuals.

He

was arrested and cautioned.

PS answered questions providing the following information:

- He is a tram driver and lives in the West Midlands; he drives taxis on his days off
- The incident was out of character was a one off mistake

The Licensing Officer and the Applicant left the room whilst the Committee made its decision.

Decision

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

them. They also noted that the offence is not specifically covered in their Policy.

Members noted that he had held a Licence for 5 years and had no other convictions. The offence had not been committed when he was working as a taxi driver.

The Committee therefore decided that the Private Hire Driver's Licence held by PS can be renewed when it expires on 20th April 2017.

Everyone returned to the room to hear the decision announced.

Resolved – that the Private Hire Driver's Licence held by PS can be renewed when it expires on 20th April 2017.

Meeting ended at 3.20 pm

Chair

**BRISTOL CITY COUNCIL
PUBLIC SAFETY AND PROTECTION COMMITTEE
19th September 2017**

Report to consider an application for the Grant of Street Trading Consent(s) at Lay-By At St Catherines Court, Berkeley Place, Bristol

Applicant: Isitmen Cengiz

Report of the Service Manager – Regulatory Services

Purpose of Report

1. To determine an application for the grant of a Street Trading Consent at the following location: Lay-By At St Catherines Court, Berkeley Place, Bristol

Background

2. With effect from 1 May 2009 the above location is designated as a consent street for the purpose of street trading legislation. Any street trading at that location other than under a street trading consent issued by the Council would constitute a criminal offence.
3. General conditions which would normally be attached to a licence/consent if granted are at **Appendix A**.
4. Photos of the site are attached at **Appendix B** and a site location plan is attached at **Appendix C**.
5. On 21 July 2016 Mr Cengiz applied to sell the following goods:
Kebabs, Burgers, Chicken, Chips, Hot Dogs, Cold Drinks

During the hours of 1900 – 0500 Monday to Sunday

Photos of the trading unit are attached **Appendix D**
Page 108

Consultation

6. The Council's policy states that normally consultation will take place with the following interested parties:-

- a. Local Residents
- b. Local businesses
- c. Bristol City Council – Highways officer
- d. Bristol City Council – Planning Team
- e. Bristol City Council – Food Safety Team
- f. Bristol City Council – Pollution Control Team
- g. Bristol City Council – Councillor
- h. Avon and Somerset Police

Due to the location applied for standard consultation was not undertaken in respect of this application. Officers contacted the Highways team for their view on the location. They responded with the following information:

'This location is a loading bay/bus pick up etc. It is not suitable for anything like this. This area of highway is covered by a TRO.'

'This loading bay is a loading bay 24/7, so is not appropriate to be used for this purpose.'

Officer Considerations

7. Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982 deals with street trading consents. Subject to certain exemptions that do not apply to this application, Paragraph 7 enables the council to grant a licence if they think fit. The council may attach such conditions as they consider necessary, which may include among other things conditions to prevent obstruction of the street or danger to persons using it, nuisance or annoyance etc. Consent may include permission for its holder to trade in a consent street from to trade from a stationery van, car, barrow or other vehicle, or from a portable stall. Unless such permission is included the act prohibits a consent holder trading from a van or other vehicle or from a stall, barrow or cart.

- i. If such a permission is included then the council may include conditions
 - (a) as to where the holder of the street trading consent may trade by virtue of the permission; and
 - (b) as to the times between which or periods for which he may so trade.

- j. A street trading consent may be granted for any period not exceeding 12 months but may be revoked at any time. The holder of a street trading consent may at any time surrender his consent to the council and it shall then cease to be valid.
- 8. The applicant has been provided with a copy of the report and has been invited to the meeting.

RECOMMENDED **The committee is recommended to refuse this application.**

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985
Background papers

Contact Officer: Mrs Sarah Flower, Senior Licensing Officer

Ext: Telephone 0117 357 4900

Appendices:

Appendix A	General Conditions attached to a street trading consent
Appendix B	Site photos
Appendix C	Site location plan
Appendix D	Photos of the trading unit

STREET TRADING CONSENT - GENERAL CONDITIONS

1. The consent holder shall only trade on the days and between the times stated on the consent.
2. The consent holder shall only trade in the description of articles stated on the consent.
3. The consent holder shall not carry on business on any street so as to cause obstruction or cause danger to people using the street.
4. The consent holder shall not carry on business from any vehicle or erect or place any stall or other structure in any street except in the area mentioned in the consent.
5. The consent holder shall not sell, offer or expose for sale any goods or articles other than those described within the principle terms of this consent.
6. The consent holder shall on all occasions, when carrying on business, be strictly sober, and conduct him/herself in a proper, civil and courteous manner, and he/she shall not carry on his/her business in such a way as to cause annoyance to the occupier or person in charge of any shop, business, resident, or any person using the street.
7. The consent holder shall at all times conduct his/her business and position any vehicle used by him/her in connection with his/her business in such a manner that no danger is likely to arise to persons trading or intending to trade.
8. The consent holder shall at all times conduct his/her business in a clean and tidy manner.
9. The consent holder shall ensure that a copy of the consent is clearly visible to the public.
10. The consent holder shall not permit any person to assist him/her in his/her trading unless the details of that person have been supplied to the Licensing Authority. Any such person shall be issued with an identification badge by the Licensing Authority.
11. If, during the currency of any consent any material change occurs in the facts of which particulars and information were contained in, or given along with, the application for the consent, the holder of the consent shall report such changes to the Licensing Authority within 72 hours of that change.

12. Any motor vehicle used for the purpose of street trading shall at all times be in a roadworthy condition and have the relevant documents i.e insurance, tax and MOT to make the use of that vehicle on a road legal. These documents will be produced by the consent holder to any police officer or authorised officer of the Council.

13. Neither the consent holder nor any assistant shall display merchandise which is likely to cause offence or distress to any other person or which would be deemed an offence under any other legislation.

14. A consent holder selling food shall at all times comply with any food hygiene regulations in force at that time, and when required by the Licensing Authority, shall produce appropriate food handling certificates.

15. The city council reserves the right to alter or amend these conditions at any time.

16. The subletting of any consent is prohibited.

17. The consent holder shall be responsible for the temporary storage of refuse, liquid and other material accumulated or created whilst trading and its subsequent removal from the site. The removal and disposal must be to the satisfaction of the council.

18. The consent holder shall not cause any nuisance or annoyance to persons using the street.

19. The consent holder, if intending to sell food from a stationery vehicle/stall shall operate from a purpose made vehicle/stall constructed and managed so as to comply with the relevant hygiene regulations currently in force within the provisions of the Food Safety Act 1990, and any subsequent changes to those regulations.

N.B This consent is issued without prejudice to any other statute, by-law or regulation. This consent does NOT over-ride any regulations regarding parking, food hygiene, obstruction, etc

Appendix B



Macdoner, Berkeley Place

Document created on Thursday 27th July 2017 at 13:40



Appendix C

2012 aerial imagery © Blom Pictometry. 1946 aerial imagery © English Heritage. OS data © Crown Copyright 2015
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Appendix D





