

Public Safety and Protection Committee Sub B Agenda



Date: Tuesday, 14 November 2017

Time: 10.00 am

Venue: City Hall, College Green

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 Norman Cornthwaite

Issued by: Ruth Quantock, Democratic Services
City Hall, College Green, Bristol, BS1 5TR
Tel:

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

Date: Monday, 6 November 2017



Agenda

1. Apologies

(Pages 5 - 6)

2. Declaration of Interest

3. Public Forum

Up to 30 minutes is allowed for this item

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 8 November 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 13 November 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.

Block Listing

5. Crazy Pig and Hillbillies - Street Trading

Report to consider two applications for the Grant of Street Trading Consent(s) at Corner Of Fourth Way Junction, Avonmouth Way, Avonmouth, Bristol (Pages 7 - 17)



6. Ayan Dogan D & B Takeaway - Street Trading

Report to consider complaints in relation to Street Trading Consent(s) **(Pages 18 - 27)**
at Clare Street, Bristol

7. 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.

**8. Application for the renewal of a Private Hire Drive Licence 4455
- CCC**

(Pages 28 - 40)

Report of an application for the renewal of a Private Hire Driver Licence

9. Conviction of a Hackney Carriage Driver's Licence and renewal application - MMO

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 and to consider a renewal application **(Pages 41 - 60)**

10. Investigation of Private Hire Driver - BB

To seek consideration of whether the driver is 'fit and proper' following on from an investigation by the Neighbourhood Enforcement Team, as a result of video footage received **(Pages 61 - 70)**

11. Private Hire Driver dealt with by an out of court disposal - PQ

(Pages 71 - 73)

To seek consideration as to whether the Private Hire Driver remains a fit and proper person.





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.



**BRISTOL CITY COUNCIL
PUBLIC SAFETY AND PROTECTION COMMITTEE
14 November 2017**

Report to consider two applications for the Grant of Street Trading Consent(s) at Corner Of Fourth Way Junction, Avonmouth Way, Avonmouth, Bristol

Applicants: **Timea Jakabos – Crazy Pig**
 Rosie Trevillion-Wilson - Hillbillies

Report of the Service Manager – Regulatory Services

Purpose of Report

1. To determine two applications for the grant of a Street Trading Consent at the following location: Corner Of Fourth Way Junction, Avonmouth Way, Avonmouth, 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. A number of applications for street trading consents have been received for the same location details of which are provided below. If granted the consents would enable the applicants to trade lawfully at the above location.
5. Photographs of the proposed trading site are attached at Appendix B and a site location plan at Appendix C.
6. On 3 February 2017 Timea Jakabos applied to sell the following goods:

Fish and Chips, Stews, Pastas, Salads, Burgers, Hot Dogs,

Baguettes, Breakfast Rolls, Pancake, Scrambled Eggs, Omlettes, English Breakfast, Chips, Jacket Potatoe, Rice, Sandwiches, Coffee, Tea and Soft Drinks
During the hours of 0600 and 2200 Monday to Sunday
Photographs of the trading unit are attached at Appendix D

7. On 24 March 2017 Rosie Trevillion-Wilson applied to sell the following goods:
Burgers, Sandwiches, Hot Drinks & Cold drinks
During the hours of 0800 and 1230 Saturday
0800 and 1430 Monday to Friday
Photographs of the trading unit are attached at Appendix E

Consultation

8. 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

Standard consultation was undertaken in respect of both applications.

Consultation Responses

9. The following responses have been received.

In respect of the application from Timea Jakabos two representations were received from relevant persons and one from BCC Highways. These are attached at Appendix F

In respect of the application from Rosie Trevillion-Wilson representations were received from the Police and BCC Highways. These are attached at Appendix G

The representations received all relate to the site itself, rather than the units or goods for sale and as such officers would recommend that all the representations are considered in relation to both applications.

10. Officers provided the applicants with copies of the

representations. At the time of writing Timea Jakabos had provided a response to the representations which is attached at Appendix F.

Officer Considerations

11. If members were minded to grant either of the applications officers would ask that in addition to the standard conditions, the following conditions are attached in line with the comments from the Highways Team:
 - a. The unit shall be sited right at the back of the footway, so that it does not interfere with the visibility of drivers exiting Fourth Way onto Avonmouth Way.
 - b. The unit shall not obstruct visibility of the Nisbets sign on site.
12. 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.
13. The applicants have been provided with a copy of the report and have been invited to the meeting.
14. If members were minded to grant either of the applications they issue of consents would still be subject to

any remaining documents that have not yet been provided, such as basic disclosures, or valid public liability insurance.

RECOMMENDED The committee is asked to determine the applications.

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985
Background papers

Contact Officer: Ms A Holman, Senior Licensing Officer

Ext: Telephone 01173 574 900

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 - Timea Jakabos
Appendix E	Photos of the trading unit - Rosie Trevillion-Wilson
Appendix F	Response from Timea Jakabos

**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.









Dear Daniel and Licensing team,

Please see below our response for the representations received in regards for our street trading consent application. (Crazy Pig, Corner Of Fourth Way Junction, Street Record, Avonmouth Way)

1. We are aware of that there is few more other catering facilities in the area, however we would like to offer different kind of food, proper hot main courses, not only sandwiches or fast-food. We believe we can provide a hearty-healthy meal for everyone on a reasonable price. We believe there is plenty of opportunity on site as only in the Fourth Way road is surrounded by 15 companies. We won't make any noise as we won't horn or use any music like the mobile catering vans. Also these mobile catering vans regardless of us going around, our trailer wouldn't affect them as it has not been sited there yet and the mobile vans still going around everyday.
2. We will make sure that we won't interfere with the drivers visibility and won't obstruct the sign of Nisbets.
3. We believe we wouldn't increase the traffic in the area and as our trailer would be sited on the footway not on the road it wouldn't obstruct or interfere in the traffic flow.

If you need any further information please don't hesitate to contact us.

Kind regards,

Timea Jakabos & Krisztian Szigeti

Crazy Pig

**BRISTOL CITY COUNCIL
PUBLIC SAFETY AND PROTECTION COMMITTEE
14 November 2017**

**Report to consider complaints in relation to Street Trading
Consent(s) at Clare Street, Bristol**

Consent Holder(s): Ayan Dogan

Report of the Service Manager – Regulatory Services

Purpose of Report

1. To determine whether to take action in relation to complaints received regarding a Street Trading Consent at the following location: **Clare Street, Bristol**

Background

2. With effect from 1 September 2015 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. The previous consent expired on 02 August 2017. A copy is attached at Appendix A.
4. A site location plan is attached at Appendix B.
5. The current consent allows the holders to sell the following goods:
Kebabs, Wraps, Burgers, Chips, Salads, Chicken, Hot and Cold Drinks.

During the hours of 2000 – 0400 Monday to Sunday

Photos of the trading unit are attached Appendix C

Officer Considerations

6. Concerns have been received regarding this unit from Destination Bristol. In particular the concerns were related to the following areas:
 - The unit being left onsite outside of the trading hours
 - The suitability of the unit and the goods being sold for the site in question.
7. As a result of the concerns raised officers checked the records in relation to this consent and found that the consent had expired and not been renewed on 02 August 2017.
8. Officers visited the unit on 19 October 2017 and found that it was being traded from. Mr C Dogan, the consent holders brother, advised that the fee had previously been paid. Mr C Dogan also confirmed that the unit had been left onsite outside of trading hours.
9. It was confirmed that Mr Dogan made application for renewal of the consent on 3 October 2017.
10. Officers would ask that members consider the following issues:
 - a. The late renewal of the consent.
 - b. The requirement to remove the unit.
 - c. The suitability of the site for this type of unit and offer.

Officers have set out considerations for each of these points below.

11. The late renewal of the consent
 - a. Officers are concerned that the consent holder did not make the application for renewal until two months after the expiry of the previous consent. Upon examining the file it appears that a similar situation has occurred on at least the last two renewals.
 - b. Officers have not visited the site during the gaps between expiry and determination of renewal, however when officers visited on 19 October a new consent had not been issued and the consent holder was trading. A photograph was also received from Destination Bristol on 19 September showing the unit with staff inside and the shutter open. A copy is attached at Appendix D
 - c. The consent holder was advised by email on 25 July 2017 of an error on the previous consent, and reminded that the

expiry was 2 August 2017. He was also advised at this time that an application to renew should be submitted prior to expiry of the current consent.

12. The requirement to remove the unit
 - a. The application form requires the applicant to state where the unit will be stored outside of the trading times. This forms a part of the decision making about whether it is appropriate to grant a consent for a particular location, since some sites would be inappropriate to permit a unit to be there outside of trading times.
 - b. The application form in this case states that the unit will be stored offsite outside of trading hours.
 - c. The site has been subject to a number of works as part of the city centre and metrobus developments. As a result there was a period of time during which the consent holder was not able to remove the unit from site, as the roadworks blocked the bottom of Clare Street. These works were completed by 30 August 2017, and access has now been restored to the site.
 - d. Concerns from Destination Bristol have been raised on a number of occasions since access was restored, that the vehicle was still onsite outside of trading hours.
13. The suitability of the site for this type of unit and offer.
 - a. This unit has been trading at the site for a number of years, and was previously managed by the Markets Team. As a result of the re-designation of a number of streets in Bristol as consent streets the consent holders were required to obtain a street trading consent in order to lawfully trade at this site.
 - b. During this period of time the city centre has undergone significant changes in both infrastructure and the nature of surrounding premises. Whilst a cumulative impact area remains in force Corn Street and Clare Street have seen a change in the number of late night venues with a move towards more food and drink led premises, rather than primarily bar or club led premises. The city centre has been significantly redeveloped to allow for the new metrobus and is a public transport hub.
 - c. Destination Bristol have raised concerns that due to the nature of the changes it is no longer appropriate for a unit to be permitted at this site.
14. The consent holders hold a premises licence issued under the Licensing Act 2003 in order to lawfully sell hot food and drinks between the hours of 2300 and 0400 each day.

15. 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. It also permits a number of other actions to be taken

- a. 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.
- b. The council may vary the conditions of a street trading consent at any time.
- c. A street trading consent may be granted for any period not exceeding 12 months but may be revoked at any time.

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

RECOMMENDED The committee is recommended to determine whether to take any action in respect of the complaints received in respect of this consent.

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

Background papers

Contact Officer: Ms A Holman, Senior Licensing Officer

Ext: Telephone 01173 574 900

Appendices:

Appendix A	Previous Consent
Appendix B	Site location plan
Appendix C	Photos of the trading unit
Appendix D	Photo of 19 September 2017



STREET TRADING CONSENT

Bristol City Council
Licensing Team (Temple Street), PO Box 3176, Bristol BS3 9FS
Tel: 0117 93574900 Email: licensing@bristol.gov.uk

Consent Holder : Ayan Dogan

Address of consent holder:

67 Watling Way
Bristol
BS11 9NL

Reference Number: 17/00824/STCINN

Authorised to trade from:

D&B Kebabs And Pizza
Clare Street
Bristol

Authorised Unit / Vehicle: Renault Trafic Van

Authorised to sell the following goods:

Kebabs, Wraps, Burgers, Chips, Salads, Chicken, Hot and Cold Drinks.

Monday to Sunday
20:00 - 04:00

Consent commences on **2 May 2017** and expires on **2 August 2017**

Date issued: 8 May 2017

This Licence is issued subject to the Provisions of the Local Government (Miscellaneous Provisions) Act 1982

Jonathan Martin
Licensing & Trading Standards Manager
Bristol City Council

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 or to members of the public.
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 hygiene 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.

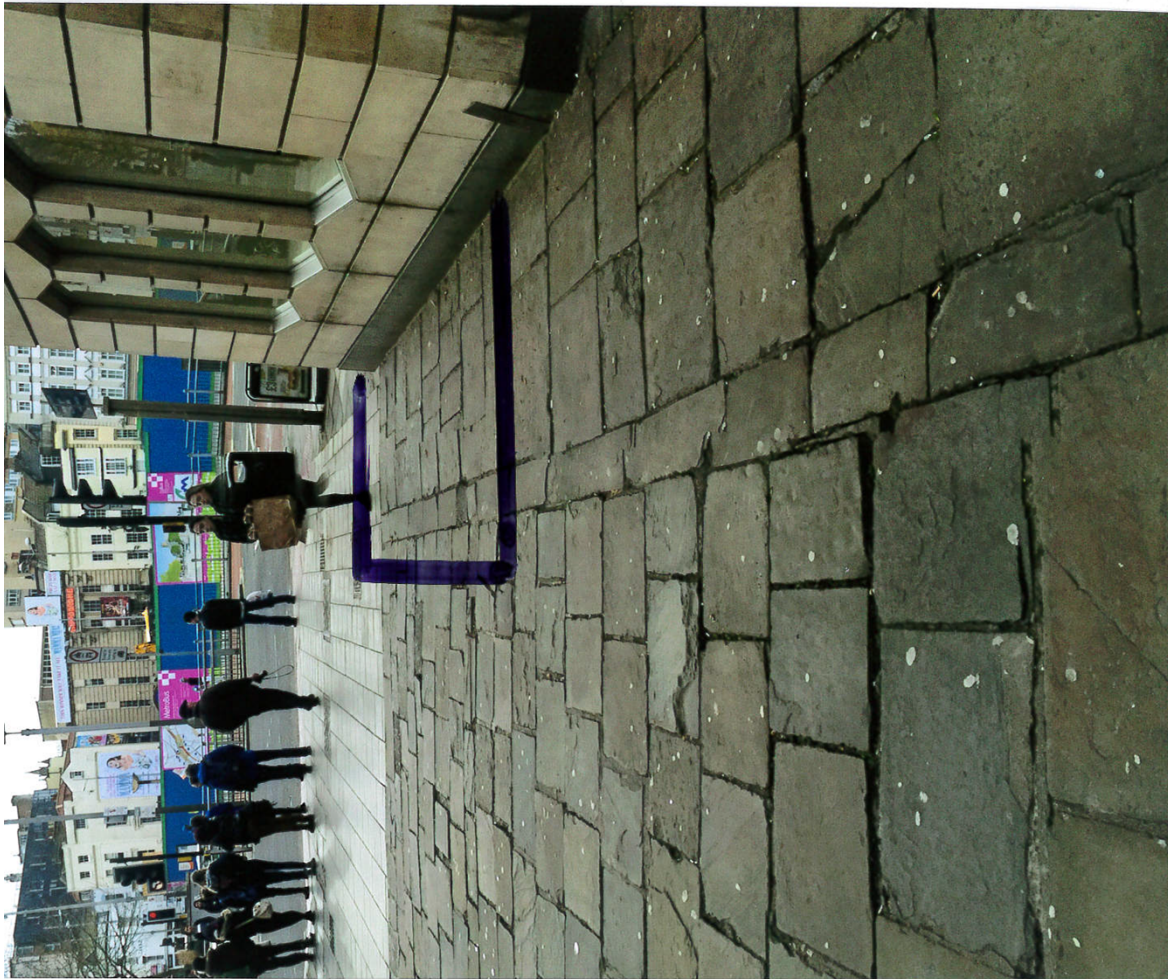
19. The consent holder, if intending to sell food from a stationery vehicle/stall shall operate from a purpose made vehicle/stall constructed and managed so as to comply with the relevant hygiene regulations currently in force within the provisions of the Food Safety Act 1990, and any subsequent changes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

UNIQUE CONDITIONS: 17/00824/STCINN

None applicable







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

Document is Restricted

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

Document is Restricted

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

Document is Restricted

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

Document is Restricted

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

Document is Restricted