

# Bristol City Council

## Minutes of the Public Safety and Protection Sub-Committee A



15 October 2019 at 10.00 am

### Members Present:-

**Councillors:** Steve Jones, Ruth Pickersgill (Chair), Estella Tincknell (Chair for Item 8) and Lucy Whittle.

**Officers in Attendance:-** Sarah Flower (Senior Licensing Officer), Corrina Haskins (Democratic Services), James Roberts (Licensing Officer) and Shreena Parmar (Legal Advisor).

### 1. Welcome and Safety Information

The Chair drew attention to the safety information.

### 2. Apologies for Absence

Apologies for absence were received from Councillor Tom Brook.

### 3. Declarations of Interest

Councillor Ruth Pickersgill declared an interest in Agenda Item 8 as a Local Councillor who had made representations on the application and withdrew from the meeting during the determination of the item.

### 4. Minutes of the Previous Meeting: Public Safety and Protection Sub-Committee A - 13 August 2019

#### RESOLVED -

- (1) that the amended minutes of 9th July 2019 be confirmed as a correct record and signed by the Chair;
- (2) that the minutes of the meeting of 13th August 2019 be confirmed as a correct record and signed by the Chair.



## 5. Public Forum

There was no public forum.

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

**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.

## 7. Exclusion of Press and Public

**RESOLVED** 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 Grant of a Street Trading Consent - Gantry under M32, Napier Road

Councillor Ruth Pickersgill withdrew from the meeting and Councillor Estella Tincknell took the Chair.

The Applicant was not in attendance.

The Licensing Officer outlined the background to the application as follows:

- This was an application for the grant of a Street Trading Consent in the Gantry under M32, Napier Road;
- The Applicant had applied to sell 70 different items from Monday - Sunday from 9am-9pm;
- On 27 February 2018, the Public Safety and Protection Committee considered a previous application from the Applicant and was granted consent for the sale of clothes and vegetables;
- Representations had been received from the Police, Highways and Local Councillor objecting to a street trading concession at the location;
- The Council's Street Trading Policy stated that consideration should be given to prevention of public nuisance, sustainability, product type and the suitability of trading unit;
- Officers were recommended to refuse the application in line with Council Policy;
- If Members were minded to grant the application, suggested conditions were attached at Appendix B.

In response to questioning, the Licensing Officer confirmed that officers were recommending refusal in respect of this application in that it differed from the previous consent in terms of the wide range and number of products.



At this point in the meeting the Licensing Officer withdrew from the meeting while the Committee considered the application. She returned to the meeting to hear the decision.

The Committee had regard to the objections raised and in particular the Police concern that the application may cause public nuisance and add to crime and disorder. Furthermore the Committee had concerns of Public Safety due to items for proposed for sale including meat, chicken, fish and dairy products with no indication of how these items would be safely stored in line with food safety standards.

**RESOLVED** – that the application be REFUSED in accordance with Council Policy on the grounds that, due to the number and variety of items proposed for sale, the Committee could not be satisfied about the prevention of public nuisance, sustainability, product type and the suitability of the trading unit.

## 9. Application for the Grant of a Private Hire Driver Licence: JL

The Licensing Officer advised that the Applicant had requested an adjournment as he was unable to attend.

**RESOLVED** – that the application be adjourned.

## 10 Application for the Grant of a Private Hire Driver Licence: MS

The Applicant was in attendance.

The Licensing Officer outlined the background to the application as follows:

- This was an application for the grant of a Private Hire Driver (PHD) licence seeking departure from Council policy;
- The Applicant was seeking exemption from Council Policy in relation to undertaking the Knowledge Test on the grounds that he had taken the test a number of occasions and knew Bristol well;
- The Applicant had taken the Knowledge Test on 5 occasions but had failed to reach the pass mark of 75%;
- Members were recommended to refuse the application in accordance with Council Policy, and if minded to grant consent with the exemption, the Applicant would need to meet the other requirements in relation to Gold Standard training; an Immigration Right to Licence check; a DVLA Mandate; an enhanced Disclosure and Barring Service Check and a group 2 standard medical.

The Applicant presented his case as follows:

- He had taken the test a number of times but was unable to pass the test;
- He had a good knowledge of Bristol;
- He would give a good service to the people of Bristol.

In response the questioning, the Applicant confirmed that he had prepared for the test and did understand the questions.



In response to questioning, the Licensing Officer confirmed:

- The test was in four parts – 10 questions about outside of Bristol area; 40 questions about roads and flats; 42 relating to pubs and clubs and 8 on routes;
- There was not one particular part of the test that the Applicant repeatedly failed on;
- After the test, the Applicant was given a summary of the test, but not the results;
- The test was different each time based on the random generation of questions;
- The Council did not provide materials to assist applicants taking the test, but there were providers who offered advice, although these were not endorsed by the Council;
- Applicants could apply for an extension to the test time of 90 minutes at the discretion of officers if they had difficulties in accessing the test.

At this point in the meeting the Applicant and Licensing Officer withdrew from the meeting while the Committee considered the application. They returned to the meeting to hear the decision.

**RESOLVED** – that the application be refused for the reason that all Applicants were required to undertake the Knowledge Test in accordance with Council Policy and there were no grounds to consider the Applicant as an exception to depart from Council Policy.

#### **11 Consideration as to whether a person is fit and proper to hold an existing Private Hire Vehicle (PHV) Licence: TM**

The Applicant was not in attendance.

The Legal Officer recommended that consideration of the item be adjourned pending the outcome of the investigation of the Neighbourhood Enforcement Team to ensure that the Committee had considered all available evidence before taking a decision.

**RESOLVED** – that consideration of the item be adjourned pending the outcome of the investigation of the Neighbourhood Enforcement Team.

Meeting ended at 12.46 pm

**CHAIR** \_\_\_\_\_

