

Bristol City Council

Minutes of the Public Safety and Protection Sub-Committee A



18 August 2020 at 10.00 am

Members Present:-

Councillors: Tom Brook, Steve Jones, Ruth Pickersgill (Chair) and Estella Tincknell

Officers in Attendance:-

Sarah Flower (Licensing Policy Advisor), Lynne Harvey (Legal Advisor), Abigail Holman (Senior Licensing Officer), Oliver Harrison (Democratic Services Officer), Alison Wright (Neighbourhood Enforcement Officer) and PC Patrick Quinton

1. Welcome and Safety Information

The Chair welcomed everyone to the meeting and drew attention to the safety information.

2. Apologies for Absence

None received.

3. Declarations of Interest

None received.

4. Minutes of the Previous Meeting

The minutes of the PSP Sub Committee A meeting 7 July 2020 were agreed as a correct record.

5. Public Forum

None received.



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

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. Report to consider an application for the Grant of Street Trading Consent at pitch PG22, Eastville Park car park - located by the rapid charging hub (Director of Growth and Regeneration)

The Licensing Officer introduced the report and drew attention to the following:

As with other applications for concessions, this is setting a principle rather than a specific trader.

- The application has been drafted by the concession team on behalf of BCC, the trading will be on council land. It is a premium location subject to tender, with the applicant contract over 3 years. It is not possible to trade at this location without a licence.
- There will be a consultation process to identify any problematic issues. The licensing manager could dispense with consultation if the tender offer is the same as this application. The applicant will still need to prove they are fit and proper.
- There have been two representations on this application. The two conditions set out at para.11 must be applied (no generators, no trading during other events).
- The location is Eastville Park at the car park next to the rapid charging hub. There will be an offsite vehicle serving hot and cold drinks and ice cream.
- Both representations mention an ice cream van operating at the proposed location, we believe this is unlicensed. Think it may be operating unlawfully.
- This concession is part of an ongoing project to generate income to maintain parks. In this case, the income from the concession will maintain the toilet block. Eastville is a large park with very little facilities. The Friends of Eastville Park want to reinvigorate the area to show the park is useful and should be invested in. This concession should bring more people into the park. It is a principle that has worked elsewhere.
- This concession can also reduce the amount of anti-social behaviour as there is the presence of a trader. We would have preferred the concession in the park itself, but had to be within the charging point area for cost reasons.
- We are bringing in something that fits the community, a quality offer, not just a burger van. The contract split is 70% quality, 30% price. It is about good products, local business, recycling, etc. A recent case is St Andrew's Park, which has a high-quality offer.

After questioning from the committee, the following information was confirmed:

- That the Friends of Eastville Park are supportive of the application.
- There was an ice cream concession on the site previously, but this expired last year. The ice cream van currently operating on the site is unlicensed.



- There have been concerns about potential noise nuisances at the park, but that the proposed concession is unlikely to generate much noise.
- The committee was keen to see a local business and local workers operate the concession. While this is not mandatory in the tender, it will contribute to a quality score.
- The operator has to manage the waste on the site. BCC monitors to see whether that is happening. We are aware it is a large site and waste can travel. In other parks this system works well, it is very rare that additional cleaning support is required. People generally use the bins provided by the concession.
- It is unlikely that a potential operator will need to appear at the committee if they fulfil all the concession criteria. If officers have concerns, they will raise them with the PSP Chair and refer to the committee if necessary.

RESOLVED (unanimous decision)

To grant the application for a Street Trader Consent at Eastville Park subject to all conditions that would usually apply to such a Consent and the two additional conditions recommended by officers in the Committee report

Reasons for Decision

The Committee were happy to grant the application because the provision of a quality catering facility at Eastville Park would be a welcome addition for members of the public. The Committee also considered it would be beneficial for the concession contract to contain a provision about local employment, which the representative from the Concessions Team said she would take on board.

The objections to the application made reference to an ice cream van which was apparently trading without permission so this was not a relevant consideration.

The concession process would ensure that only a quality product would be on offer and that the suitability of both the trader and trading unit would be carefully considered, thereby ensuring consistency with the Council's street trading policy.

8. Exclusion of Press and Public

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.

9. Report To Determine Whether Action Should Be Taken Against The Holder of a Private Hire Driver Licence - JM

The driver was in attendance.



The Neighbourhood Enforcement Officer introduced the report and drew attention to the following:

- JM has a Private Hire Licence (PHD) held since January 2004 and due to expire at January 2023.
- On July 10 2020, PC Quinton informed BCC that JM was stopped and found to not be wearing an ID badge. There was a passenger in the vehicle, but JM could not provide any booking details. JM was cautioned for plying for hire, which invalidated his insurance. Therefore three offences were committed: plying for hire, not displaying an ID badge and driving without insurance.
- JM has indicated he will accept 6 penalty points and a fine.
- During the stop, JM asserted that the passenger was a friend and not a customer, which PC Quinton believes is mendacious.
- A DVLA check shows JM has no previous points or endorsements. There are also no complaints on file. The committee has received 2 character references.

The applicant gave the following evidence:

- JM expressed remorse for his actions and wanted to give an explanation of his circumstances at the time.
- This incident occurred during lockdown after a period of 3 months off the road due to Covid-19 restrictions. The lack of business has caused JM and his family financial hardship.
- JM had been operating around Southmead Hospital as this was the only place to get consistent work. JM was approached by a member of the public while waiting for another job and agreed to transport them.
- When stopped by PC Quinton, JM admitted that he said this individual was a friend and not a customer, which was untrue.
- JM admitted that he was wearing an old expired ID as he had forgotten to wear his new one.

After questioning from the committee, the following information was confirmed:

- A record check carried out by PC Quinton during this hearing confirmed JM has 6 penalty points allocated to his licence.
- Although JM did not notify BCC licensing of this incident as per his licence conditions, PC Quinton said he would do this on his behalf.
- JM has actually held a licence since 1999, but BCC computer records do not go back this far.
- JM does not dispute the NET and PC Quinton's account of the incident and apologised for his actions.
- JM was under significant financial hardship due to lockdown, was overdue on car payments and had to take a mortgage holiday.

RESOLVED (unanimous decision)

JM has committed two offences of plying for hire and having no insurance which under the Council's policy would normally result in a period of suspension of up to 6 months. The offences of plying for hire and no insurance are considered to be serious since not only does this place the public at risk but it also



deprives properly licensed Hackney Carriage drivers of their trade. JM was also not wearing his badge which is a breach of conditions attached to the PHD licence.

However, we have taken into account the fact that JM has been licensed by the Council with an unblemished record since 1999 and he has expressed remorse for his actions. We also recognise that the offences occurred during an unusual and difficult time for licensed drivers. We have therefore decided that the individual circumstances of this case merit a departure from Council policy and the National Standards so we are not going to take action against JM on this occasion. Although his conduct fell below the standards we are entitled to expect from our licensees on this occasion, we are going to issue JM with a warning in the hope that there will be no repeat of this conduct.

Meeting ended at 12.00 pm

CHAIR _____

