

Bristol City Council
Minutes of the Public Safety and Protection
Committee



11 July 2017 at 10.00 am

Members Present:-

Councillors: Paula O'Rourke, Ruth Pickersgill (Chair), Lucy Whittle and Chris Windows

Officers in Attendance:-

1. Election of Chair

Resolved – that Councillor Pickersgill be elected Chair of the Sub Committee for 2017/18.

2. Election of Vice Chair

Resolved – that Councillor O'Rourke be elected Vice-Chair of the Sub Committee for 2017/18.

3. Apologies for absence and substitutions

There were none.

4. Declarations of Interest

None were received.

5. Public Forum

Agenda Item No. 11 Application for a Street Trading Consent at Knowle Cricket Club Car Park. A statement was submitted by Councillor Gary Hopkins which was noted by Members and taken into account when they made their decision.



6. 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).

7. Exclusion of the 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's Licence - AYH

AYH, his solicitor TM and a friend were in attendance.

The Chair explained the procedure that would be followed and everyone introduced themselves.

The Licensing Officer introduced the report and summarised it for everyone. She advised that there was a small error in the report.

The Legal Advisor explained, referring to paragraph 5, that the offence relates to Section 4A of the Public Order Act 1986 (not Section 31 of the Crime and Disorder Act 1998) and the BCC Policy specifies a period of 8 years free from conviction in relation to these type of offences.

It was noted that AYH has already passed the Knowledge Test. Should he be granted a licence, he would still have to pass the other parts of the Fit and Proper Person Test.

TM put the case for AYH highlighting the following: (He also tabled a letter from Bristol Somali Forum supporting AYH.)

- He accepted that he has to persuade the Committee to make an exception to the Policy in the case of AYH
- AYH is determined to resume his job as a Private Hire Driver
- Prior to losing his licence he had worked as a Private hire Driver for 4 years
- He is married and has children
- It was a racially aggravated offence and he pleaded not guilty
- He now accepts that his behaviour was not acceptable and he accepts the conviction
- The incident did not involve a customer
- The other driver had confronted AYH
- AYH did not get out of his car, did not threaten the other driver and kept his distance



- It was a low order offence with only a fine imposed on AYH
- He has not committed any other offences and is not a risk to the public or customers
- The conviction is 3 years old and the offence will be 4 years old at the end of this year
- AYH has done everything he can to show he is a reformed character
- The offence was out of character
- AYH has completed the Knowledge Test and has also taken an NVQ Refresher on Customer Services
- TM asked that AYH be granted a licence

AYH then answered questions concerning the incident. He had stopped outside St Michael's Hospital to allow a passenger out of his car. Another driver had shouted at him about his parking. There had been a verbal exchange of abuse and the other driver 'phoned the Police to complain he had been racially abused. It was also noted that AYH had been accused of spitting. AYH stated that the incident happened at the time his mother was ill.

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 noted their Policy and the offence committed by AYH.

Following a lengthy debate and on a vote of 3 to 1, the Committee agreed that in the individual circumstances of this case, an exception to the Policy could be made and that the conviction would not act as a bar to AYH being granted a licence subject to him passing the remaining parts of the Fit and Proper Test.

The Committee noted the work done by AYH in his community, that he has made every effort to reform since the offence, that it was considered a low level offence, that it was a one off incident and that his mother was terminally ill at the time of the offence.

Everyone returned to the room to hear the decision announced.

Resolved – that AYH's conviction would not be a bar to him being granted a Private Hire Driver's Licence subject to him passing the remaining parts of the Fit and Proper Person Test.

9. Application for the Renewal of a Private Hire Driver's Licence - MMD

MMD and SAM a Trades Union Representative were in attendance.

The Chair explained the procedure that would be followed and everyone introduced themselves.



The Licensing Officer introduced the report and summarised it for everyone. It soon became apparent that MMD needed an interpreter to enable him to fully understand what was being said and to enable him to properly put his case to the Committee.

Following a request from SAM for an adjournment, it was

Resolved – that the case be adjourned until a future Meeting of the Committee to enable an interpreter to be provided for MMD.

10 Application for the Grant of a Hackney Carriage Driver's Licence - MN

The Licensing Officer stated that the applicant had put a late request in for an interpreter but that it had not possible to arrange one in time for this Meeting.

Resolved - that the case be adjourned until a future Meeting of the Committee to enable an interpreter to be provided for MN.

11 Application for a Street Trading Consent at Knowle Cricket Club Car Park - MAP

MAP and VG were in attendance.

The Chair explained the procedure that would be followed and everyone introduced themselves.

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

MAP put his case and answered questions highlighting the following:

- He has worked in meat sales since he was 14 years old
- He started his own business 9 months ago
- He buys and sells in bulk only
- He has 2 Consents in South Gloucestershire
- He only ever has 4 to 5 people queuing at any one time
- His business is on Facebook
- A number of people wanted him to start a business in Knowle
- He has never caused a problem on any site
- He will not be operating at Knowle Cricket Club when cricket is being paid
- He has bought a lorry and taken on staff
- Most sales are between £30 and £50, but some are over £100
- They have a super silent generator
- They will not cause parking problems

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 granting a Street Trading Consent at this location would cause any problems.

They were satisfied as to the suitability of the trading unit, the location and the applicant. There was evidence of need as the applicant would not be in competition with current operator(s) and would be offering a different type of service to customers in the locality. There were no concerns about safety, crime and disorder or public nuisance arising from the application.

Everyone returned to the room to hear the decision announced.

Resolved - that the application for a Street Trading Consent at Knowle Cricket Club Car Park made by MAP be granted subject to the General Conditions attached to the report.

12 Application for a Street Trading Consent at The Elm Tree Inn Car Park - MAP

MAP and VG were in attendance.

The Chair explained the procedure that would be followed and everyone introduced themselves.

The Licensing Officer introduced the report and summarised it for everyone. She stated that the Licensing Section was not satisfied that the applicant had received the necessary consent from the landowner to operate on the site. She therefore asked a Condition requiring the applicant to provide documentary evidence from the landowner of permission to operate on the site prior to commencing trading, be attached to any Consent granted.

MAP put his case and answered questions highlighting the following:

- He has worked in meat sales since he was 14 years old
- He started his own business 9 months ago
- He buys and sells in bulk only
- He has 2 Consents in South Gloucestershire
- He only ever has 4 to 5 people queuing at any one time
- His business is on Facebook
- He has never caused a problem on any site
- He has bought a lorry and taken on staff
- Most sales are between £30 and £50, but some are over £100
- They have a super silent generator
- They will not cause parking problems



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 granting a Street Trading Consent at this location would cause any problems.

They were satisfied as to the suitability of the trading unit, the location and the applicant. There was evidence of need as the applicant would not be in competition with current operator(s) and would be offering a different type of service to customers in the locality. There were no concerns about safety, crime and disorder or public nuisance arising from the application.

Everyone returned to the room to hear the decision announced.

Resolved - that the application for a Street Trading Consent at The Elm Tree Inn Car Park made by MAP be granted subject to the General Conditions attached to the report, along with a Condition requiring the applicant to provide documentary evidence from the landowner of permission to operate on the site prior to commencing trading.

Meeting ended at 1.35 pm.

CHAIR _____

