

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



20th September 2016 at 10.00 am

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.

The applicant was present, accompanied by two colleagues.

The Senior Licensing Officer summarised the report and drew attention to the key issues set out in detail. She confirmed TL had passed the other parts of the fit and proper person test.

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

- He is reluctant to take the Gold Standard Test for reasons of time and money; he has been a taxi driver for a number of years without any complaints; he feels that his experience as a taxi driver should allow the Committee to make an exemption to the Policy in his case
- He claimed that the Policy was changed in 2012 without consultation with the trade
- He considers that the information concerning the Policy on the BCC website is unclear and the Policy is not being applied consistently which has implications for the trade
- He considers that he has lost an opportunity to work at Bristol Airport

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

The Committee noted the following:

- Their Policy and was satisfied that granting an exemption in this case would not undermine the purpose of this part of the policy
- The years of experience that the applicant has of driving a taxi without any complaints against him

After considering all of the written and verbal evidence presented to it the Committee decided that the application by TL for a request to be exempt from the requirement to complete the Bristol Gold Standard Course be granted.

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

Resolved – that the request by TL to be exempt from the requirement to complete the Bristol Gold Standard Course in respect of an application for a Private Hire Driver’s Licence be granted.

(The Committee requested that Legal Services and the Licensing Authority consider if the information concerning the Policy on the BCC website is unclear and whether or not the Policy is being applied consistently. If necessary a report should be brought to the Full Committee at a future Meeting.)

9. Application for the Grant of a Private Hire Driver’s Licence – RH

The Senior Licensing Officer advised the Committee that a request for an adjournment had been received from the applicant. It was noted that this was the second request for an adjournment.

Resolved – that consideration of this Application be adjourned until the Meeting of the Committee on 18th October 2016 and that no further deferment will be granted.

10. Application for Renewal of a Private Hire Driver’s Licence Seeking Departure from Council Policy – MB

The Senior Licensing Officer advised the Committee that a request for an adjournment had been received from the applicant.

Resolved – that consideration of this Application be adjourned until the Meeting of the Committee on 15th November 2016.

11. Application for the Grant of a Private Hire Driver's Licence Seeking Departure from Council Policy – CB

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.

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

- He did the Gold Standard Test in 2010
- He has been a taxi driver for a number of years and decided to take a break from the work for family reasons
- He was working at a special school but an injury means that he can no longer do this type of work
- He has a thorough knowledge of Bristol and the surrounding areas
- He passed the Knowledge Test previously

It was noted that Gold Standard Refresher Tests are offered to those who have passed the Test previously.

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

The Committee noted the following:

- Their Policy and was satisfied that granting an exemption in this case would not undermine the purpose of this part of the policy
- The length of time that CB was a taxi driver and the experience, and knowledge that he has gained in that time

After considering all of the written and verbal evidence presented to them the Committee decided the following – that CB should be required to take the Gold Standard Refresher Test, that CB should be required to take the Knowledge Test, but that CB should be exempt from being required to take the DVLA Test.

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

Resolved – that in relation to his application for the Private Hire Driver's Licence CB is required to take the Gold Standard Refresher Test; CB is required to take the Knowledge Test, but CB is exempt from being required to take the DVLA Test.

Meeting ended at 12.30 pm

CHAIR _____