

**BRISTOL CITY COUNCIL  
PUBLIC SAFETY AND PROTECTION COMMITTEE**

**7 January 2014**

**Application for the Grant of Street Trading Consent at Opposite  
13 Maurice Road, Bristol, BS6 5BZ**

**Applicant: Kevin Drake**

**Proposed trading name: Ice Cream**

Report of the Director of Neighbourhoods

**Purpose of Report**

To determine an application for the grant of a Street Trading Consent at the following location: Opposite 13 Maurice Road, Bristol, BS6 5BZ

**Background**

1. 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.
2. General conditions which would be attached to a licence/consent if granted are at Appendix A
3. On 19 June 2013 Kevin Drake applied for a street trading consent which, if granted, would enable the applicant to trade lawfully at the above location. The applicant has applied to sell the following goods : Ice Cream

During the hours of 11:00 - 18:00  
From Monday to Sunday

4. A copy of the application is attached as Appendix B.

5. Photographs of the unit are attached at Appendix C and a site location plan at Appendix D.

6. **Consultation**

In line with the Council's policy consultation has taken place with the following interested parties:-

Local Residents

Local businesses

Bristol City Council – Highways officer

Bristol City Council – Planning Team

Bristol City Council – Food Safety Team

Bristol City Council – Pollution Control Team

Bristol City Council – Councillor

Avon and Somerset Police

7. **Consultation Responses**

The following responses have been received.

Appendix E - Residents

Appendix F - Applicants Comments to representations received

8. 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. A 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.

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.

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.

9. Kevin Drake has been provided with a copy of the report and has been invited to the meeting.

**RECOMMENDED**      **the committee is asked to determine the application**

**LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**  
**Background papers**

**Contact Officer:**      Sarah Flower – Senior Licensing Officer,  
Neighbourhoods

**Ext:**                      Telephone 01179142500

**GENERAL CONDITIONS THAT WILL NORMALLY BE ATTACHED  
TO STREET TRADING CONSENTS**

The consent holder shall only trade on the days and between the times stated on the consent.

1. 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.



**Bristol**  
**Application for a street trading licence**  
**Local Government (Miscellaneous Provisions) Act**  
**1982**

For help contact  
[licensing@bristol.gov.uk](mailto:licensing@bristol.gov.uk)  
 Telephone: 01179142500

\* required information

### Section 1 of 11

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference  This is the unique reference for this application generated by the system.

Your reference  You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

Yes  No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

### Applicant Details

\* First name

\* Family name

\* E-mail

Main telephone number  Include country code.

Other telephone number

Indicate here if you would prefer not to be contacted by telephone

Are you:

Applying as a business or organisation, including as a sole trader

Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

### Applicant Business

\* Is your business registered in the UK with Companies House?  Yes  No

\* Registration number

\* Business name  If your business is registered, use its registered name.

\* VAT number   Put "none" if you are not registered for VAT.

\* Legal status

Continued from previous page...

\* Your position in the business

Home country

The country where the headquarters of your business is located.

**Registered Address**

Address registered with Companies House.

\* Building number or name

\* Street

District

\* City or town

County or administrative area

\* Postcode

\* Country

**Section 2 of 11**

**FURTHER DETAILS ABOUT THE APPLICANT**

Former name(s)

If currently or previously known by any other name(s), you must record them here.

**Home Address**

Is the address the same as (or similar to) the address given in section one?

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Yes

No

\* Building number or name

\* Street

District

\* City or town

County or administrative area

\* Postcode

\* Country

**Further Details**

\* Date of birth  /  /   
dd mm yyyy

\* Place of birth

National Insurance number

**Section 3 of 11**

**DIRECTORS, PARTNERS, OWNERS AND MANAGERS**

Continued from previous page...

You must provide details of all COMPANY DIRECTORS and the SECRETARY (if the applicant is a company), all PARTNERS (if it is a partnership), OFFICE BEARERS (if it is a club or association), all OWNERS of the business or premises and all MANAGERS of the business or organisation, including day-to-day MANAGERS OF THE PREMISES. Check for local guidance notes and conditions which may clarify exact requirements.

\* Are there any such people for whom you need to provide details?

Yes

No

#### Section 4 of 11

##### TYPE OF APPLICATION

Type of application:  New  Renewal  Temporary

Specify the period for which the licence is required (if applicable)

school holidays and weekends between may september

#### Section 5 of 11

##### APPLICATION DETAILS

Check for local guidance notes and conditions before completing this section. Some of the questions may not be relevant to local circumstances or your responses may have to provide very specific information

\* Type of application?

Street trading licence

Street trading consent

\* Trading name

ice cream

##### What You Want To Trade

\* List all the goods and services you want to offer for sale

ice cream and slush and ice cream milk shakes .. i will not be selling cans of drink or bottles ..

\* Does this include selling food or drink?

Yes

No

\* Are you registered as a food business?

Yes

No

\* Local authority where you are registered

bristol city

\* Registration number

dont know

\* Where will goods be stored when not on sale?

in ice cream van

##### When You Want To Trade



Continued from previous page...

Proposed trading times for each day of the week (if applicable)

\* Day or days   
\* From   
\* To

#### Where You Want To Trade

\* Type of trading

- Mobile  
 Stationary

\* Street(s) / location(s) where you wish to trade

#### Section 6 of 11

##### DETAILS OF VEHICLE, STALL AND/OR CONTAINER

\* Will you be using a vehicle in connection with your work as a trader?

- Yes  No

Provide details of the vehicle

\* Make   
\* Model   
\* Colour   
\* Registration number

\* Description of unit from which you intend to trade, including dimensions

\* Where will the unit be stored when not in use?

#### Section 7 of 11

##### PUBLIC LIABILITY INSURANCE

You must have a suitable level of public liability insurance to cover this activity – check local requirements.

\* Do you have public liability insurance?

- Yes  No

Continued from previous page...

Provide details of the policy

\* Insurance company   
\* Policy number   
\* Period of cover   
\* Amount of cover (£m)

**Section 8 of 11**

**PREVIOUS APPLICATIONS**

\* Have you, or any person named in or associated with this application, previously applied for a similar licence or registration? (check all that apply)

No  Yes - application granted and revoked  
 Yes - application granted  Yes - application refused

**Section 9 of 11**

**CONVICTIONS**

\* Have you, or any person named in or associated with this application, been convicted of any crime or offence?

Yes  No

**Section 10 of 11**

**ADDITIONAL DETAILS**

Provide any additional information which is required or relevant to your application (check for local guidance notes and conditions which may provide details of specific requirements in your area)

**Section 11 of 11**

**ATTACHMENTS**

**AUTHORITY POSTAL ADDRESS**

**Address**

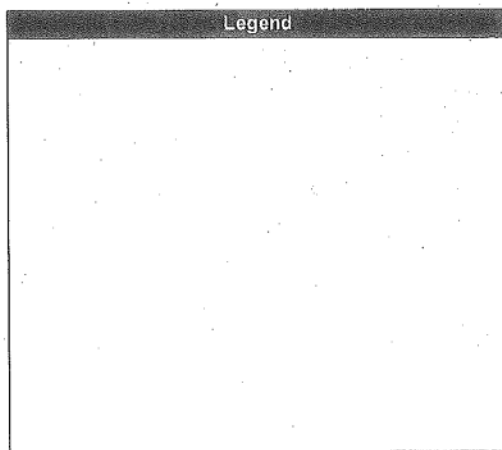
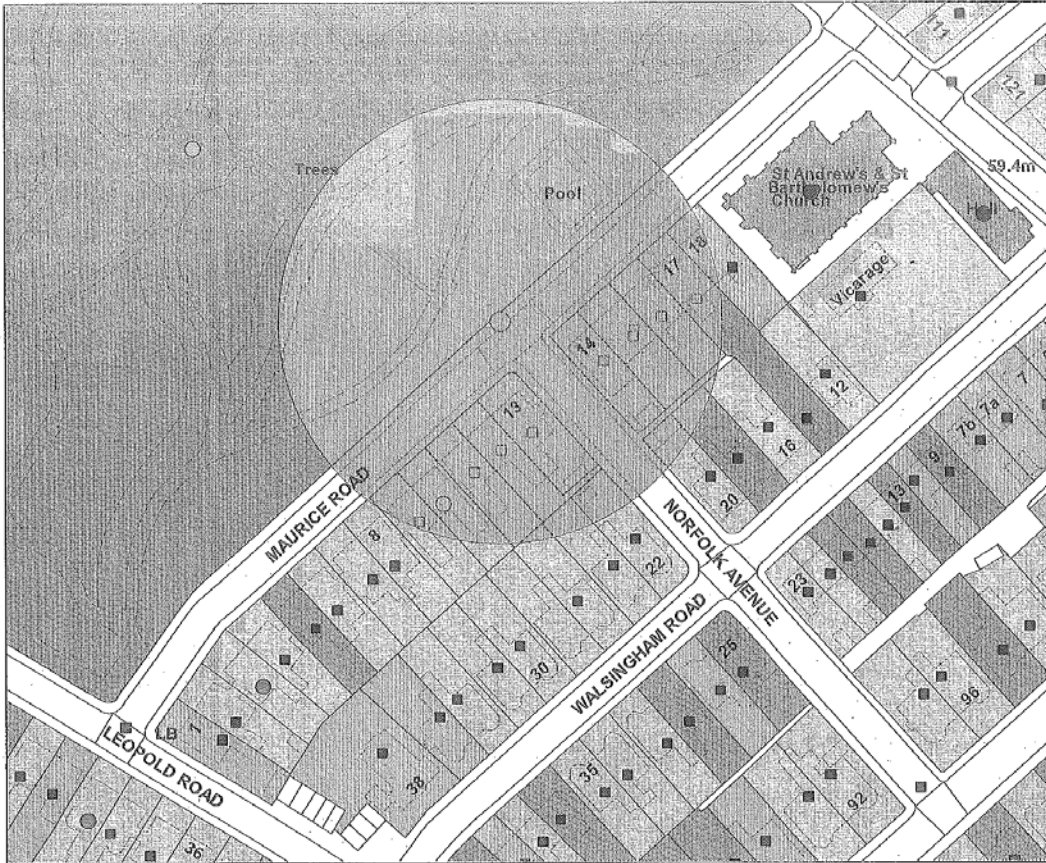
Building number or name   
Street   
District   
City or town   
County or administrative area   
Postcode   
Country





# Ice Cream

## Entrance to St Andrews Park



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Organisation	Bristol City Council
Department	Licensing
Comments	Bristol
Date	02 November 2013
SLA Number	Not Set

**STREET TRADING CONSENT  
INTERESTED PARTY REPRESENTATION**

RECEIVED VIA EMAIL AT THE LICENSING OFFICE ON: 7 November 2013

RE: ICE CREAM VAN – OPPOSITE 13 MAURICE ROAD, BRISTOL, BS6 5BZ

FROM: RESIDENT NUMBER 1

We are residents at \*\*\*\*\*

We question the need for an ice cream van given that the café already licensed in the park sells good quality ice cream.

We strongly recommend that strict conditions need to be attached to any granting of applications for the above.

1. Engines must be turned off while stationery to prevent noise and fuel smell pollution – this has been unbearable and unacceptable in the past.
2. Consideration as to the positioning of the van so as to ensure good visibility and safety for all who cross the road on leaving the park at that entrance. It is of paramount important that road visibility is unrestricted. It is a busy road junction with cars, children adults and dogs coming in and out of the park. It is the main cut through route for people shopping on Gloucester Road too.
3. Use of chimes prohibited.

\*\*\*\*\* = deleted to protect anonymity

**STREET TRADING CONSENT  
INTERESTED PARTY REPRESENTATION**

**RECEIVED VIA EMAIL AT THE LICENSING OFFICE ON: 7 November 2013**

**RE: ICE CREAM VAN – OPPOSITE 13 MAURICE ROAD, BRISTOL, BS6 5BZ**

**FROM: RESIDENT NUMBER 2**

I would like to object to an ice cream van parked outside my flat for the summer polluting the area with diesel fumes and the sound of the engine most of the time.

This is a residential area and there is a café in the park selling ice cream and a shop in Derby Road that has it also.

\*\*\*\*\* = deleted to protect anonymity

**STREET TRADING CONSENT  
INTERESTED PARTY REPRESENTATION**

**RECEIVED VIA EMAIL AT THE LICENSING OFFICE ON: 7 November 2013**

**RE: ICE CREAM VAN – OPPOSITE 13 MAURICE ROAD, BRISTOL, BS6 5BZ**

**FROM: RESIDENT NUMBER 3**

I write to you as regards your letter to about a street trading consent.

For many years the residents of Maurice Road have had to put up with ice cream vans parked all day with engines running in the very sport you propose.

I do understand that this is to keep the ice cream from melting but the noise and fumes mean I cannot open any front windows even on the hottest of days.

I have on many occasions been in touch with the Environmental Health Department at Bristol City Council because of the noise nuisance from these vans, as have other residents.

Having the engines "ticking over" all day must surely be a pollution problem and a health hazard.

The Mayor of Bristol is very keen to clean up the air so having this van does not help matters, also where the van is to be situated is a problem, there is often a bottleneck at Norfolk Avenue for traffic.

As the park gets very busy in fine weather both sides of Maurice Road are filled with cars and vans (as are the surrounding streets), gridlock is frequent and road rage often.

People seem to forget although there is a park in the middle of St Andrews it is also a residential area. Visitors can purchase ice cream from the tea hut inside the park.

\*\*\*\*\* = deleted to protect anonymity

**STREET TRADING CONSENT  
INTERESTED PARTY REPRESENTATION**

**RECEIVED VIA EMAIL AT THE LICENSING OFFICE ON: 8 November 2013**

**RE: ICE CREAM VAN – OPPOSITE 13 MAURICE ROAD, BRISTOL, BS6 5BZ**

**FROM: RESIDENT NUMBER 4**

As a local resident I object to having the noise of a diesel engine running outside my front window during school holidays and weekends between May to September.

I don't like the ice cream vans parking there and singing their ice cream song loudly to attract business. It disturbs my concentration when I am reading.

Please can you note my strong objections and that this is against my wishes as a local resident.

\*\*\*\*\* = deleted to protect anonymity



**STREET TRADING CONSENT  
INTERESTED PARTY REPRESENTATION**

**RECEIVED VIA EMAIL AT THE LICENSING OFFICE ON: 8 November 2013**

**RE: ICE CREAM VAN – OPPOSITE 13 MAURICE ROAD, BRISTOL, BS6 5BZ**

**FROM: RESIDENT NUMBER 5**

Thank you for consulting us about this application to which we respond as residents of  
\*\*\*\*\*

We wish to object strongly to this application. Ice cream vans often occupy this space already and our objection is therefore based on many years of experience.

Our objection is for the following reasons:

- These vans which are wider than a normal car park, park opposite a road junction and cause an obstruction and restrict visibility at that point at a time during the summer when the pressure on car parking space in the street is intense.
- The drivers frequently keep the vans engines running causing noise and air pollution.

We trust that you will take account of our strong objection when deciding this application.

\*\*\*\*\* = deleted to protect anonymity

**STREET TRADING CONSENT  
INTERESTED PARTY REPRESENTATION**

**RECEIVED VIA EMAIL AT THE LICENSING OFFICE ON: 8 November 2013**

**RE: ICE CREAM VAN – OPPOSITE 13 MAURICE ROAD, BRISTOL, BS6 5BZ**

**FROM: RESIDENT NUMBER 6**

I am writing regarding the proposal of an ice cream van consent by the entrance of St Andrew Park on Maurice Road.

I wish to object to this application on the grounds of living opposite the site and the noise pollution that comes from their jingle which is played regularly.

Also I have noted that when an ice cream van is parked there it obstructs the entrance and could potentially be dangerous for children entering and exiting the park.

I would also like to point out that there is a facility in the park to buy ice cream that doesn't pump out fumes into the atmosphere.

I hope you take these comments into account.

\*\*\*\*\* = deleted to protect anonymity

**STREET TRADING CONSENT  
INTERESTED PARTY REPRESENTATION**

**RECEIVED VIA EMAIL AT THE LICENSING OFFICE ON: 8 November 2013**

**RE: ICE CREAM VAN – OPPOSITE 13 MAURICE ROAD, BRISTOL, BS6 5BZ**

**FROM: RESIDENT NUMBER 7**

I would like to object to the ice cream van being given permission to sell its products  
\*\*\*\*\*

It is both noisy and very polluting and this should not be allowed where children are playing and residents are living.

\*\*\*\*\* = deleted to protect anonymity

## STREET TRADING CONSENT INTERESTED PARTY REPRESENTATION

RECEIVED VIA EMAIL AT THE LICENSING OFFICE ON: 6 November 2013

RE: ICE CREAM VAN – OPPOSITE 13 MAURICE ROAD, BRISTOL, BS6 5BZ

FROM: RESIDENT NUMBER 8

We object strongly to this application on the following grounds, borne out of experience of ice-cream vans parking in this location:

**Noise pollution:** ice-cream vans that park in this location frequently keep their very loud diesel engines running for as long as eight hours a day. This causes significant noise pollution both to park users and local residents, particularly those living closest to the junction with Norfolk Avenue. Local residents have brought this to the attention of the environmental health team and the previous councillor Jon Rogers. No doubt you will have a record of these complaints.

- **Air pollution** – The running of diesel engines for long periods causes significant air pollution to a park awarded 'Green Flag' status where people come to relax and be in the fresh air.
- **Danger to pedestrians, particularly young children leaving park:** These vans, which are wider than a normal car, park opposite the Maurice Road exit from the park, obscuring vision of the road for people leaving the park. This is particularly dangerous for young children. Often vans park alongside the safety barrier designed to stop children running out into the road. This forces children to go up or down the road where there is no safety barrier and they have to walk right into the road before they can see whether a car is coming or not. **Danger to drivers:** As stated above, the vans are wider than a normal car and park opposite the road junction with Norfolk Avenue, restricting drivers' visibility and causing an obstruction. St Andrews park is very heavily used in summer months and all surrounding roads can get completely parked up, causing log jams and the need for drivers to reverse so cars can pass one another.
- **No need for ice-cream van:** Only 100 yards away the council has already granted a licence to the St Andrews Park cafe which sells ice-creams. Ice-cream vans take away sales from the cafe which provides a valued and much-appreciated service to park users all year round and on chillier days when ice-cream vans don't turn up.
- **Commercialisation of park area:** Over the years we have lived here, the park has grown in popularity, both with families and also with large numbers of young people, some of whom cause a problem with anti-social behaviour. You will be aware of the problems caused by anti-social behaviour and the ongoing search by council and police to reduce these problems. This growth in popularity has in turn attracted more and more ice-cream vans. One day this summer, there were actually three ice-cream vans parked in Maurice Road! People come to the park to relax and be surrounded by nature, not to

\*\*\*\*\* = deleted to protect anonymity

breathe in diesel fumes and have their tranquillity interrupted every five minutes by loud jingles.

We trust that you will take account of the above strong objections when deciding this application.

\*\*\*\*\* = deleted to protect anonymity

**STREET TRADING CONSENT  
INTERESTED PARTY REPRESENTATION**

**RECEIVED VIA EMAIL AT THE LICENSING OFFICE ON: 9 December 2013**

**RE: ICE CREAM VAN – OPPOSITE 13 MAURICE ROAD, BRISTOL, BS6 5BZ**

**FROM: Mr Kevin Drake - Applicant**

I do wish to raise matters and here they are firstly a ice cream van does not omit any odours from the machine i will not be doing any cooking whatsoever I carry a bin and I have traded from this place before and have never left any rubbish before also children asking for a ice cream is hardly noise.

It has never obstructed anybody, also it is a big pavement and it is not a no parking zone if it was a safety hazard then it would have yellow lines on it and any one is entitled to park there if selling ice cream from a van or not also as you said about air pollution my van is a euro 4 engine and meets the air pollution requirements to be on the road just as much as all vehicles that are on the road and all the ice cream vans that are on sites in Bristol or the rest of the country like i said I have traded here before and the only complaint I had from the neighbours was the noise from an old van I was using i have changed that van now so I would like this to be forwarded to the public safety and protection committee thank-you look forward to hearing from you again.

\*\*\*\*\* = deleted to protect anonymity