

AGENDA ITEM NO. 8

BRISTOL CITY COUNCIL PUBLIC SAFETY AND PROTECTION COMMITTEE

7 January 2014

Application for the Grant of Street Trading Consent at Road Next To Grassed Area , Adjacent To 16 Belland Drive, Bristol

Applicant: Mr Malvern Gills

Proposed trading name: Orange Blossom

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: Road Next To Grassed Area , Adjacent To 16 Belland Drive, Bristol

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 22 October 2013 Mr Malvern Gills 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 fruit and vegetables

During the hours of 08:00 - 13:00 From Saturday and Sunday
During the hours of 08:00 - 17:00 From Monday to Friday

4. A copy of the application form is attached at 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 - Bristol City Council – Highways officer

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. Mr Malvern Gills 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: Mrs Sarah Flower, Senior Licensing Officer,
Neighbourhoods

Ext: Telephone 01179142246

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.

by hand
SF 21/11/13

Application for the GRANT of a Street Trading Consent

Schedule 4 Local Government (Miscellaneous Provisions) Act 1982

Bristol City Council is under a duty to protect the public funds it administers, and to this end may use the information you have provided on this form for the prevention and detection of fraud. It may also share this information with other bodies responsible for auditing or administering public funds for these purposes. For further information, see <http://www.bristol.gov.uk/nfi> or contact the Licensing Team at licensing@bristol.gov.uk or on 0117 9142500

Where a location is currently under consultation no further applications for that particular location will be accepted.

Part 1 – Your Details

Surname or Family name	GILLS
First Name(s)	MALVERN

Date of Birth	Day 16	Month 1	Year 50
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Current Residential Address	25 ROOKERY WAY WHITCHURCH BRISTOL BS14 0DX
Post Code	BS14 0DX
Contact Telephone Number(s)	01275835126 MOBILE 07954348520

Part 2 – What will you be selling?

I wish to apply for the following type of consent <i>(please tick)</i>				
Static consent	<input checked="" type="checkbox"/>	Mobile consent	<input type="checkbox"/>	<input type="checkbox"/>
Type of goods to be sold <i>(i.e hot food, jewellery etc)</i>	FRUIT & VEG			
If you sell hot/cold food, has your vehicle or trailer been examined by environmental health officers to ensure compliance with food hygiene requirements?	Yes	<input type="checkbox"/>	No	NO
If you answered YES please provide details of the Local Authority which has examined the trailer or vehicle <i>(You must produce any certification in relation to this)</i>				

Part 3 – Where will you be trading


Please provide detail of the location from which you wish to trade. Include the name of the street and any other identifying details	BELLAND DRIVE WHITCHURCH BRISTOL BS14 0EW
Where is the vehicle or trailer being stored when not being used?	25 ROOKEY WAY WHITCHURCH BRISTOL BS14 0DX
Name and contact details of the owner/person/occupant that controls the land from which you wish to trade.	BRISTOL CITY COUNCIL

Please provide the following:

- A map indicating the precise location from which you wish to trade and a photograph of the site you wish to trade from.
- Written permission to use the land from the relevant person (unless the land is owned by Bristol City Council)

We will not be able to process the application without this information.

Part 4 – The trading unit that you propose to use

I propose to trade from							
Van	<input checked="" type="checkbox"/>	Trailer	<input type="checkbox"/>	Cart	<input type="checkbox"/>	Barrow	<input type="checkbox"/>
Other please specify							
<p>Please submit the dimensions of the trading unit and three colour photographs illustrating different elevations of the unit.</p> <p>If you are using a motorised vehicle please ensure that a photograph includes the vehicle registration number.</p> <p><i>Please note that if you intend to trade from a motor vehicle then you must produce current insurance and MOT.</i></p>							
Proposed trading name		ORANGE BLOSSOM					

Part 5 – Trading Assistants

Will you be using any assistants?	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
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If YES please complete the Application Form for any Assistants.

Part 6 – When will you be trading?

	Mon	Tues	Weds	Thurs	Fri	Sat	Sun
From	8 AM	8-AM	8-AM	8 AM	8-AM	8-AM	8 AM
To	5 PM	5-PM	1-PM	5 PM	5-PM	1-PM	1 PM

If you wish to sell hot food after between the hours of 23:00 and 05:00 on any day you will also require a Premises Licence issued under the Licensing Act 2003.

If you are not applying for an annual consent please identify the months you wish to trade:

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Proposed commencement date of consent.....

Section 10(3) of the Local Government (Miscellaneous Provisions) Act 1982 states:

Any person who, in connection with an application for a street trading licence or for a street trading consent, makes a false statement which he knows to be false, in any material respect or which he does not believe to be true, shall be guilty of an offence.

I (print name) MALVERN GILLS have read the above and confirm that all the information submitted in respect of this application is true to the best of my knowledge.

Signed..... M. Gills

Date..... 2/10/13

Checklist – Please ensure that the following documents are included with your application:

- 1. Map of location**
- 2. Photographs of site**
- 3. Two colour passport size photographs of the applicant**
- 4. Two colour passport size photographs of assistant/s**
(if applicable)
- 5. Three colour photographs of trading unit**
- 6. Copy of public liability insurance**
- 7. Evidence of compliance with food hygiene requirements**
(if applicable)

Please return this application form to:

**Bristol City Council
Licensing Office
Princess House
Princess Street
Bedminster
Bristol
BS3 4AG**

Tel: 0117 9142500

Fax: 0117 9142515

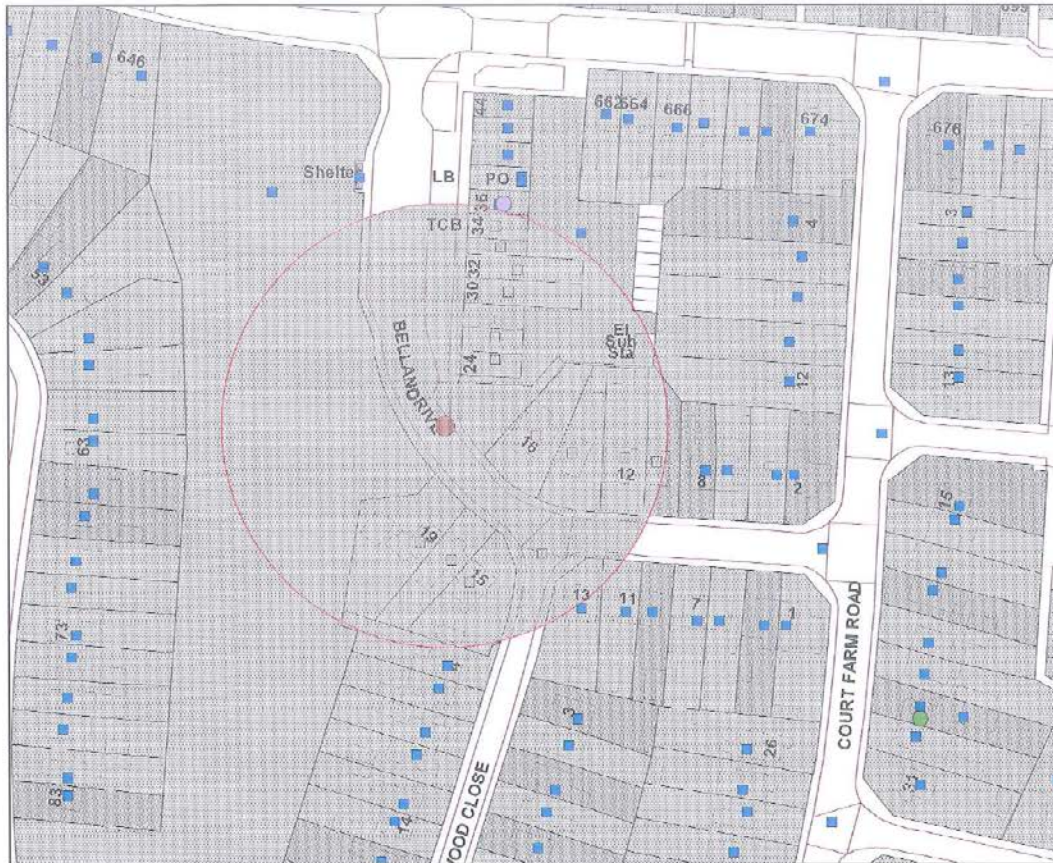
Email: licensing@bristol.gov.uk

Website: www.bristol.gov.uk/licensing



Orange Blossom

Road Next to Grassed Area Adjacent to 16 Belland Drive



Legend



Reproduced from the Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright 2000.

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Organisation	Bristol City Council
Department	Licensing
Comments	Whitchurch, Bristol, BS14 0EQ
Date	22 October 2013
SLA Number	Not Set

Produced using ESRI (UK)'s MapExplorer 2.0 - <http://www.esrluk.com>

**STREET TRADING CONSENT
INTERESTED PARTY REPRESENTATION**

RECEIVED VIA EMAIL AT THE LICENSING OFFICE ON: 5 November 2013

RE: Orange Blossom – Belland Drive, Whitchurch, Bristol

FROM: A local resident of *****

I am a local resident and wish to strongly object to the proposal of a rusty van trading in a completely inappropriate and dangerous place.

When I first received the letter of proposal I assumed this was an early April fool.

The gentleman in question had Orange Blossom in the correct trading area of Belland Drive shops, what happened that he now has to resort to selling his goods in this way.

If you are familiar with the area you will know that having a van stuck in the proposed area will result in probable accidents to both motorists and pedestrians as visibility would be impeded by said vehicle.

I appreciate we all have to make a living but this is not the place to do it.

***** = deleted to protect anonymity

**STREET TRADING CONSENT
HIGHWAYS REPRESENTATION**

RECEIVED VIA EMAIL AT THE LICENSING OFFICE ON: 25 October 2013

RE: Orange Blossom – Belland Drive, Whitchurch, Bristol

FROM: David Sarson – Highways & Traffic Management

My opinion is that it would not be suitable for a van to be trading at the position marked X (on the location map) and my reason is that the van will severely restrict visibility for motorists who will be parked in the end couple of echelon parking bays on the other side of the island when they reverse out to exit.

If the van were to be trading at a point approximately 10 to 15 metres further south east then this would reduce

***** = deleted to protect anonymity