

AGENDA ITEM NO**BRISTOL CITY COUNCIL
PUBLIC SAFETY AND PROTECTION COMMITTEE****7 January 2014****Application for the Grant of Street Trading Consent at Mead Street, Bristol,****Applicant: Nicky Brown****Proposed trading name: Nicky's Nosh - Mead Street**

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: Mead Street, 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 21 September 2013 Nicky Brown 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 : Hot and Cold Food and Drink

During the hours of 07:00 - 14:00
From Monday to Saturday

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 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 - Nearby businesses
Appendix F - Applicants response 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

**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.



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	BLOWN
First Name(s)	Nicky

Date of Birth	Day 09	Month 02	Year 1969
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Current Residential Address	10, Blaise Walk Sea Mills Bristol
Post Code	BS9 2JY
Contact Telephone Number(s)	01179049592 07790746788

Part 2 – What will you be selling?

I wish to apply for the following type of consent (please tick)				
Static consent	<input checked="" type="checkbox"/>	Mobile consent	<input type="checkbox"/>	<input type="checkbox"/>
Type of goods to be sold (i.e hot food, jewellery etc)	HOT & COLD FOOD & DRINKS			
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	<input checked="" type="checkbox"/>
If you answered YES please provide details of the Local Authority which has examined the trailer or vehicle (You must produce any certification in relation to this)				

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	MEAD STREET. BRISTOL
Where is the vehicle or trailer being stored when not being used?	10, Blaise Walk SEAMILLS BRISTOL BS9 2JY
Name and contact details of the owner/person/occupant that controls the land from which you wish to trade.	Public Highway

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>		<p>LENGTH: 5.80M WIDTH: 1.95M. HEIGHT: 2.40M.</p>					
Proposed trading name		Nicky's NOSH					

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	7.00	7.00	7.00	7.00	7.00	7.00	
To	14.00	14.00	14.00	14.00	14.00	14.00	

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:

.....

Proposed commencement date of consent..16.10.13.....

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) NICKY BROWN..... 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 Nicky Brown.....

Date 9.9.13.....

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

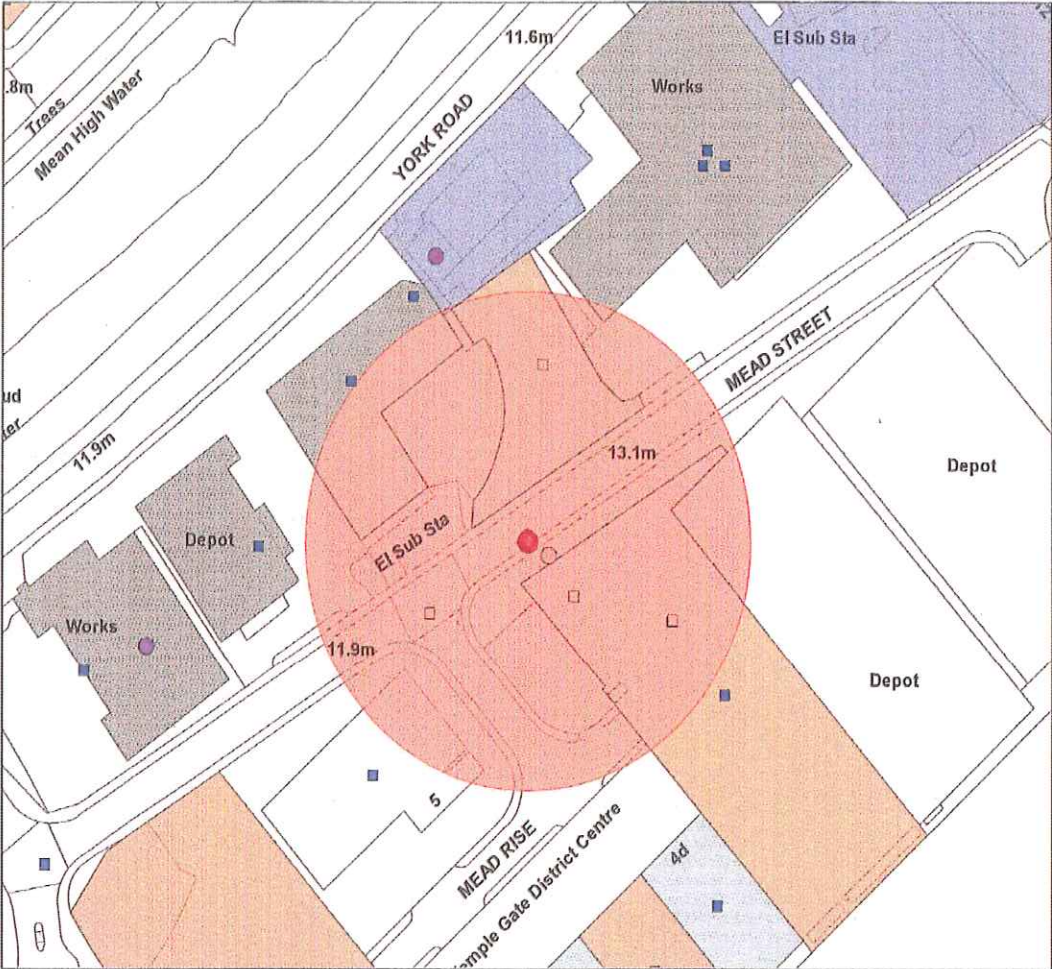
Email: licensing@bristol.gov.uk

Website: www.bristol.gov.uk/licensing



Nicky's Nosh

Mead Street



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	Street Trading Consent
Date	14 November 2013
SLA Number	Not Set

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

**STREET TRADING CONSENT
INTERESTED PARTY REPRESENTATION**

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

RE: NICKY'S NOSH, MEAD STREET, BRISTOL

FROM: PETE AITKENHEAD – PARTS MANAGER - FOWLERS

With regard to the application for a fast food van parking in Mead street there are two major issues.

Firstly the parking, there virtually isn't any. The location on your map selected is one of two small strips within Mead street where parking is allowed. The van would be parked directly opposite the post office depot, as the postal workers arrive there very early, it is unlikely that the food van would obtain a space at all. As this depot is a parcel collection point for the public, parking is fraught at the best of times.

When vehicles can't park legally they sometimes park on the grass verges by crossing the footpath, or the double yellows opposite the building shown on your map as 'works'

This is one of our warehouses, we have regular/daily deliveries by 40ft lorry, these reverse in and swing wide enough to take up all the road width. If someone is parked there the lorries have to pull up on to the pavement causing further obstruction.

Secondly, where it would be located is a serious health and safety risk as it completely obscures a driver's view if pulling out from Mead rise, of the considerable number of motorcycles leaving our premises all day and every day. As a person who rides a motorcycle there everyday, I can assure you that I've had enough 'close ones' there already.

Cars parking there are not such an issue as we can see over them and a car driver can see us. A high van would be a complete visual obstruction. Vehicles leaving Mead rise industrial units would be forced far in to the road to see if there is any oncoming traffic.

For the above reasons I think that the application should be refused as both impractical and unsafe.

***** = deleted to protect anonymity

STREET TRADING CONSENT INTERESTED PARTY REPRESENTATION

RECEIVED VIA EMAIL AT THE LICENSING OFFICE ON: 27 NOVEMBER 2013

RE: NICKY'S NOSH, MEAD STREET, BRISTOL

FROM: The Directors of Fowlers

Thank you for sending through a copy of the application for a Street Trader Licence for Mead Street and for giving us the opportunity to give feedback upon this proposal.

The Directors of Fowlers of Bristol Ltd would like to express our great concern over and opposition to this application for the following reasons:

1. Mead Street already suffers from severe congestion, particularly in the early mornings up to approximately 10 o'clock, which is mainly due to large numbers of private vehicles coming and going to collect their mail/parcels, etc, from the Post Office building. At times, it's simply chaotic, with numerous cars being parked wherever they can find a slot - often on single or even double yellow lines - with other cars turning around and pedestrians crossing the road to reach the Post Office. In addition to this, there is the 'normal' flow traffic of employees and customers of the various businesses, as well as delivery vans and lorries of all sizes.
2. Fowlers has recently been granted planning permission by Bristol City Council for alterations to our building and its entrances/exits at 3 York Road, Bristol, BS3 4AB. This building is accessed to the rear from Mead Street and a new entrance gate is to be installed virtually opposite the proposed snack van, which would, in fact, be located on double yellow lines (please see attached plan). This would mean that the proposed positioning of the snack van would undoubtedly severely hamper the frequent large delivery lorries from both the UK and Europe, which need to unload and load to the rear our premises, particularly when they are attempting to negotiate the turn into and exit from these new entrance gates. If this were to occur, it could have disastrous consequences upon our ability to trade from these premises and thus might adversely affect our business and possibly, in consequence, the livelihood of our current 150 employees (rising to approximately 160 during the summer season).
3. Many of Fowlers' customers and staff are scooter and motorcycle riders who need to negotiate Mead Street in order to reach our rear-of-premises car parks. In our opinion, the presence of a snack van on Mead Street would create an increased hazard for these particular road users because of the additional traffic and the – possibly illegal – additional parking it would create.

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

**STREET TRADING CONSENT
INTERESTED PARTY REPRESENTATION**

RECEIVED VIA EMAIL AT THE LICENSING OFFICE ON: 28 NOVEMBER 2013

RE: NICKY'S NOSH, MEAD STREET, BRISTOL

FROM: JANE WAITE – HARRYS DINER - FOWLERS

I write to object to the aforementioned application for a hot and cold food and beverage van to trade in Mead Street, Bristol.

My objections are because I run a cafe/diner in Mead Street, selling hot and cold food and beverages, to the public. Therefore, not only is this service unnecessary as it is currently already provided in the area, but if this street trader was given consent it would have a major adverse affect on my business which may result in the security of employment of my current 10 employees.

A previous request for street trading in Mead Street was turned down back in 2009. I know that many of the local businesses were concerned with regard to the parking/traffic/lorry/delivery problems and the safety of the pedestrians and other road users (a high percentage of which are motorcyclists). I assume the motorcycle training school based in Mead Street are aware of this application?

***** = deleted to protect anonymity

Nicky's Nosh
Nicky Brown
10 Blaise Walk
Sea Mills
Bristol
BS9 2JY
13/12/2013

Mrs Sarah Flower
Bristol City Council Licensing Team
Princess House
Princess Street
Bedminster
Bristol
BS3 4AG

Thank you for your letter dated 3/12/13, with regard to my application of a Street Trading License at Mead Street, Bristol.

After careful consideration, I wish to appeal the decision to reject a street trading license for Nicky's Nosh at Mead Street.

The points raised for rejection are as follows;

1. The proposed activity is likely to cause nuisance to local residents arising from such issues as cooking odours, noise from customers, littering etc.
2. The siting of the proposed unit is likely to cause obstruction to pedestrians.
3. The siting of the proposed unit to produce a road safety hazard as there is no parking close to the site.

I recently sited my unit in mead street, to take account of how I would operate if the pitch was granted. No trading took place, this was just a planning exercise. Based on my learning from this, and also my experience as a cook I would like to politely challenge the points made for rejection the rejection of Mead Street for street trading.

Mitigation point 1.

The Nicky's Nosh unit is not a Trailer. It would not be left in Mead Street beyond granted trading hours. The unit is a professionally converted Vauxhall Movano and is 5 years old. It has seen little work since it's conversion. I hold a Food Standards Agency Rating of 5, and hold a level 3 in supervising food safety.

The unit is powered mainly by LPG. Noise from cooking would be practically non-existent as a result. The unit has a generator for electrical power, which has a noise rating of 94dba (60dba at 7 metres); it is very quiet in operation and is left in economy mode at all-time further reducing noise output. There is no residential housing in Mead Street, and at the proposed site a high wall would block out the minimum noise created to the industrial units on the other side. The land immediately opposite the proposed site is vacant, a car park at a minimum, if used at all. Please see attached pictures.

As a professional cook I will be providing freshly cooked food. I do not intend to leave food cooking over a long period or keeping it warm uncovered, creating unnecessary odours. As noted above I have a nearly new unit with new appliances. As a result cooking odours will be at a

minimum. It is highly unlikely the minimum cooking odours from the unit would create a nuisance as there is no building close enough to be effected.

I will be operating professionally at all times; cleanliness is imperative to me. I will be providing bins which will be sited not to cause obstruction. I will ensure customers use bins provided. My customers will be my surrounding neighbours in the main.

Please see the sketch's accompanying this letter, illustrating the points above.

Mitigation point 2.

The proposed site has ample space surrounding it. There are no pedestrian entrances to buildings or footpaths. The pavement immediately adjacent to the proposed site of the unit is 2.2 metres. Beyond the pavement there is a grassed area with no overgrowth obstructing the pavement. There are a number of trees on the grassed area, none of which overhang the pavement to cause an obstruction. My unit will not cause an obstruction to the pavement. Due to the fact my unit is not a trailer, and is a high-topped van, the serving hatch, although it will overhang the pavement, will clear it to a height of 2.1 metres. Please see attached dimensioned pictures.

Mitigation point 3

My modern unit has a high visibility. It is a white van, carrying signage identifying it as a catering van. You can see from the sited pictures, it has a high visibility at the location. Mead Street is a cul-de-sac providing access to a number of industrial units, including Bart Spices Industrial site, the Post Office, and Fowlers Motorcycles. Most of the trade I would receive will be from customers on foot, walking from the various places mentioned above. Their vehicle's, if they have them will be parked on these various sites. Passing trade from people not working or visiting the establishments in the area is unlikely, and therefore parking would not be required.

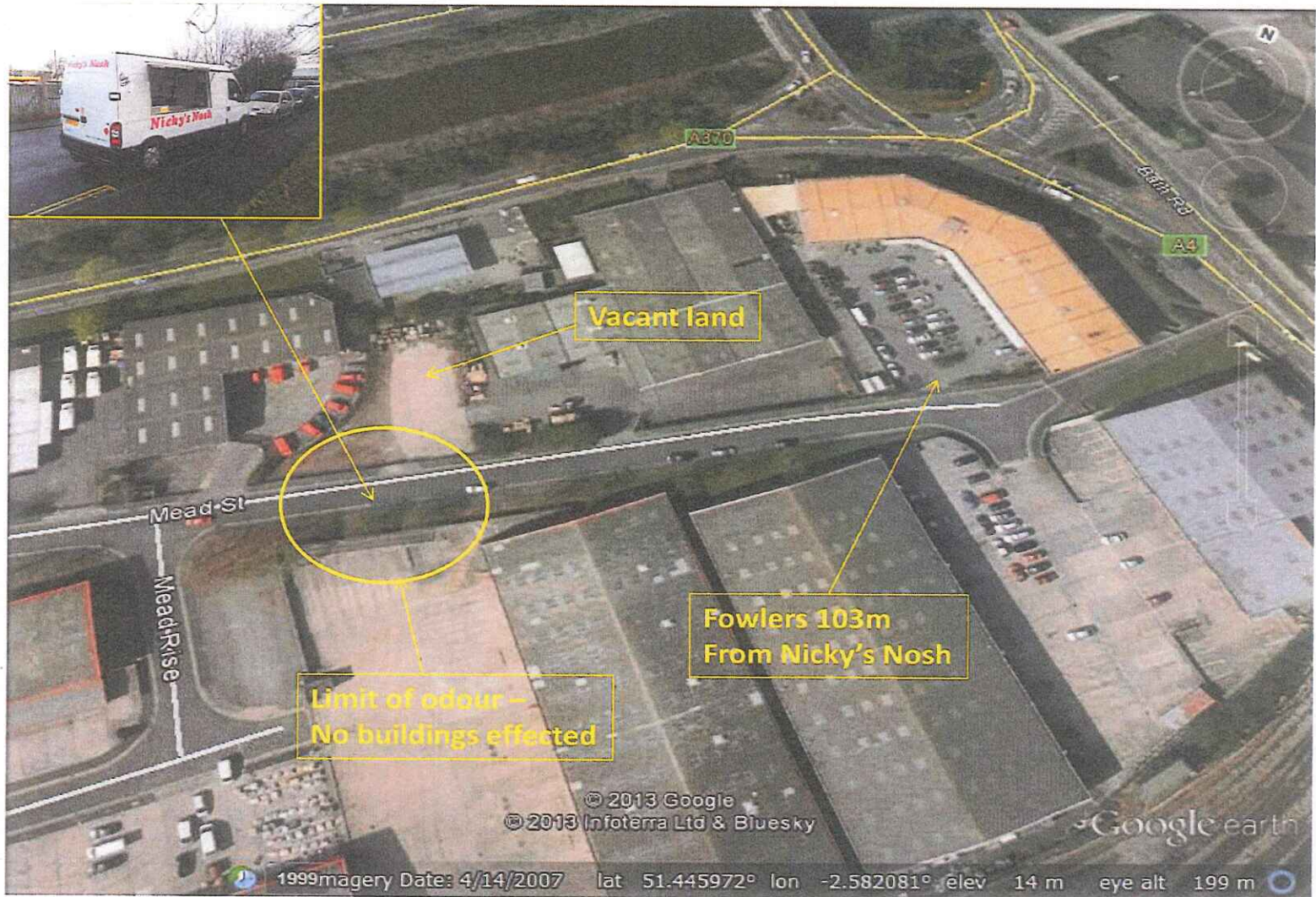
As a member of the Institute of advanced motorcyclists, and being I.C.A.R.E qualified, I understand the importance of road hazards, and mitigating them. There is no street furniture blocking visibility of my unit or any pedestrians be they customers or others in the vicinity of my unit. My unit would not block visibility of approaching traffic from either direction, or block visibility from traffic emerging from the junction with Mead Rise. The double yellow lines in the immediate vicinity are clearly there to keep visibility for the junction of Mead Rise. In the event of any potential customer that would stop on the double yellow lines I would ask to park at their destination in Mead Street or Mead Rise, and the return to me after they had parked safely. Please see attached dimensioned pictures.

With your further consideration of these points raised, I hope you are able to grant Nicky's Nosh a license at Mead Street.

I appreciate the ongoing help of the Street Trading licensing team, in evaluating my applications -- Thank You!

Yours Sincerely

Nicky Brown
Director – Nicky's Nosh

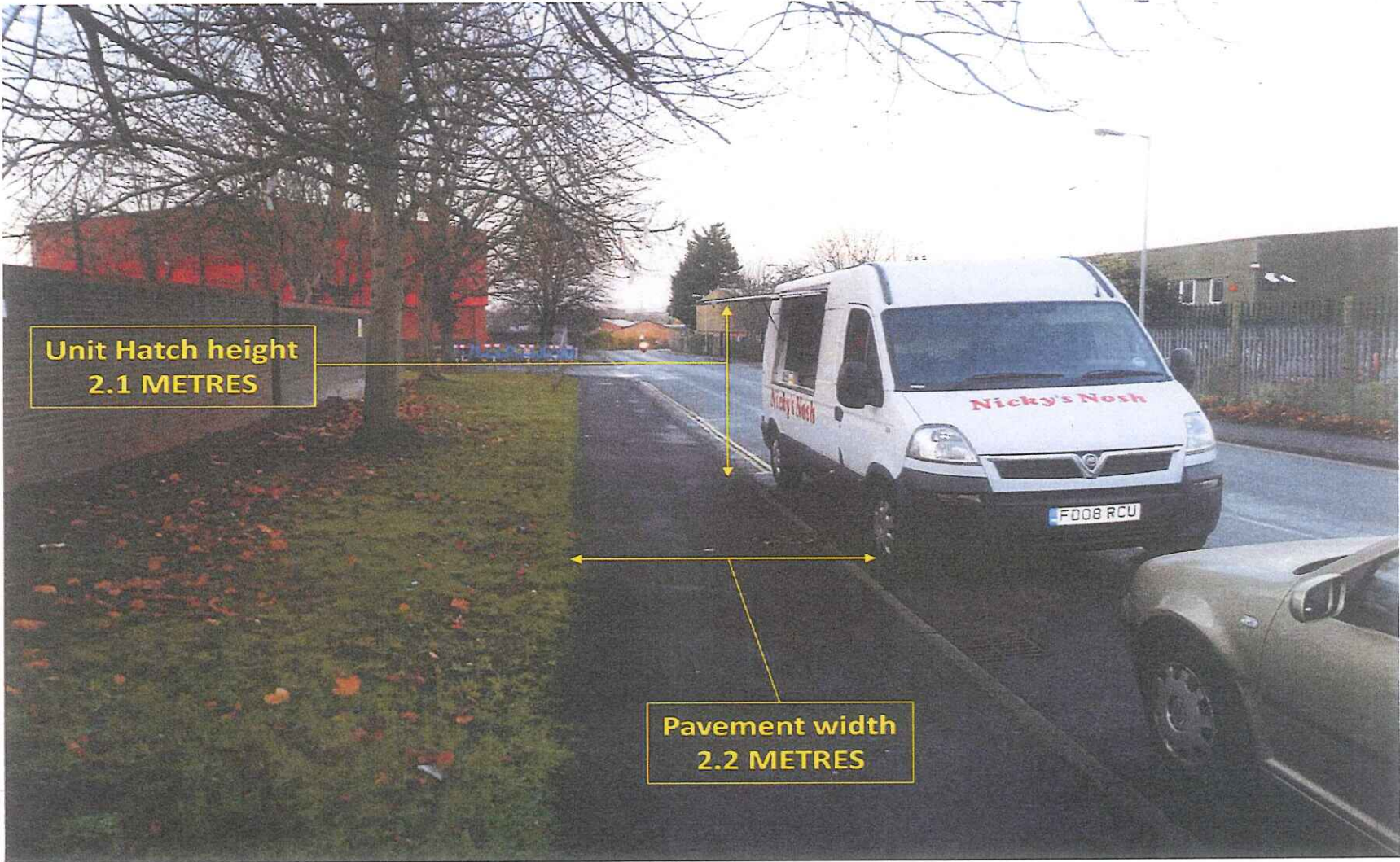




High Wall

No Street Furniture obstructing

Opposite Pavement - No Street Furniture obstructing



**Unit Hatch height
2.1 METRES**

**Pavement width
2.2 METRES**



Vacant Land opposite proposed Unit Site

Food Standards Agency
5 Rating awarded
17/10/13




FOOD HYGIENE RATING

0 1 2 3 4 **5**

VERY GOOD


Nicky's Nosh
10 Blaise Walk
Sea Mills
Bristol
BS9 2JY

Date of hygiene rating 17/10/2013 Contact details Wanda Hooper
0117 9222500

Authorising signature 

For more information about the Food Hygiene Rating Scheme visit food.gov.uk/ratings

The food hygiene rating shown above reflects the standards found on the date of inspection or visit by the local authority. Ratings are given on a scale from 0 (urgent improvement necessary) up to 5 (very good). The rating is not a guide to food quality.



This certificate remains the property of the local authority which reserves the right to remove it at any time.

Level 3 Award in Supervising Food Safety in Catering

3 credits

Nicky K Brown

has successfully completed a programme of training and an assessment which concluded the course

Course Director

Examination date: 29 March 2012

CIET recommends you refresh your training by: 29 March 2015

Centre Number: 19153557

Certificate Number: 8639258

Original issue date: 20 April 2012

Issue Number: 1

Graham Jules

Chief Executive
Chartered Institute of Environmental Health

MERIT

Qualification accreditation number: 585/5475/2
Accredited only for England, Wales and Northern Ireland



Safer Food handler

Food Hygiene Certificate Level 2



Certificate of Achievement

This is to certify that

Nicky Brown

has been awarded

NDNA Level 2 Award in Food Safety in Catering

Awarded: **February 10 2012**

Centre Number: **EGB03032011**

Course reference: **SFHCN**

Learner reference: **9FCE36A3**

Jason Goodyear
Chief Executive
Qualifi Ltd



The Safer Food Group

Ofqual



Institute of Advanced Motorcyclists



IAM
DRIVING ROAD SAFETY

MEMBER

Ms N Brown

Membership No: 421418

Member Since: Jun 2011

Category:

Expiry Date: Jun 2013

020 8996 9600 | iam.org.uk | members@iam.org.uk

Immediate care at the roadside in Emergency



South Western Ambulance Service NHS Trust

This is to certify that
Nicky Brown

Has successfully completed training in
I.C.A.R.E

This certificate is valid until:
09 July 2014

Certificate Number 124

icare

Tel: 01305 257643
www.swast.nhs.uk/services/commtraining.htm

Ken Weaver
Chief Executive