

AGENDA ITEM NO. 5

BRISTOL CITY COUNCIL PUBLIC SAFETY AND PROTECTION COMMITTEE

11 March 2014

**Application for the Renewal of Street Trading Consent at
Forecourt of 189 Highridge Green, Bristol, BS13 8AA**

Applicant: Yener Olgun

Proposed trading name: George's Snacks

Report of the Director of Neighbourhoods

Purpose of Report

To determine an application for the renewal of a Street Trading Consent at the following location: Forecourt of 189 Highridge Green, Bristol, BS13 8AA

Background

1. With effect from 1 May 2009 the above location was 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 and unique conditions (specific to this consent) currently attached to this consent are shown at Appendix A.
3. On 24 February 2014 Mr. Yener Olgun applied to renew his street trading consent which, if granted, would enable the applicant to trade lawfully at the above location after the expiry of his existing consent on 31 March 2014. The application seeks the sale of the following goods : Hot Food (Kebabs, burgers and chips) and Soft Drinks

During the hours of:

Sunday - 17:00 - 22:00

Monday to Saturday - 17:00 - 23:00

4. A copy of the application is attached as Appendix B.
5. A site location plan at Appendix C.

RENEWAL

6. Mr Olgun's initial application for a street trading consent for this location was considered on the 11 September 2012. 16 representations against the application were received, however the application was approved. A copy of the minutes of the meeting is attached at Appendix D.
7. During the course of the consent complaints have been received by the Licensing Department and Pollution Control regarding odour, anti-social behaviour and litter. As a result the last renewal application was considered by the Public Safety and Protection Committee on 7 January 2014. At the hearing the members of the committee requested further information from the Council's Pollution Control (Environmental Health) team and approved the grant of the consent until 31 March 2014 in order that this information be provided.
8. The current consent contains the following unique condition (unique condition 1) "The consent holder shall not cause any nuisance or annoyance to any persons using the street or to any other premises within the vicinity".
9. Members will note that the minutes of the 11 September 2012 meeting record "*The Committee informed the Applicant that a street trading consent could very easily be revoked so it was within his best interests to ensure that he operated a tight ship without causing problems of nuisance.*"
10. The Licensing Department is in receipt of objections to the renewal of the consent as set out at Appendix E.
11. Email correspondence from the Council's Environmental Health Pollution Control Team, complainant, and Licensing Office with regard to the complaint, and site visit by a Council Environmental Health Officer are attached at Appendix F. As shown the Officer found no evidence of issues in relation to litter and waste but did on 31 January 2014 find evidence of cooking smells in the complainant's property.
12. Further visits were conducted on 14 February and 21 February

2014 as shown at Appendix G. Both visits found evidence of cooking smells at the complainants property.

12. Following receipt of the information from Pollution Control Mr Olgun was sent a letter (attached at Appendix H) advising that evidence of a breach of unique condition 1 had been provided to the Licensing Office.
11. 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.

12. Mr Yener Olgun has been provided with a copy of the report and has been invited to the meeting.

RECOMMENDED **That due to the breach of unique condition 1, namely “The consent holder shall not cause any nuisance or annoyance to any persons using the street or to any other premises within the vicinity” the application be refused.**

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985
Background papers

Contact Officer: Mr Carl Knights, Senior Licensing Officer,
Neighbourhoods

Ext: Telephone 0117 914 2246

**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.

Unique Conditions

1. The consent holder shall not cause any nuisance or annoyance to any persons using the street or to any other premises within the vicinity.
2. No electrical generator shall be used in connection with the business/use of the trading unit.



**Application for the Renewal of
Street Trading Consent**

Bristol City Council
Licensing Team, Princess House, Princess Street, Bedminster, Bristol. BS3 4AG
www.bristol.gov.uk/licensing
Tel: 0117 9142500 Fax: 0117 9142515

Consent Holder : Yener Olgun

Address of Consent Holder:
75A Lynton Road
Bristol
BS3 5LU

Reference Number: 13/05392/STCON

Authorised to trade from:
Georges Snacks, Forecourt Of 189 Highridge Green, Bristol, BS13 8AA

Authorised to sell the following goods:

Goods for sale
Sunday 17:00 - 22:00
Goods for sale
Monday to Saturday 17:00 - 23:00

If you intend to trade on specific days please indicate the dates of these below.

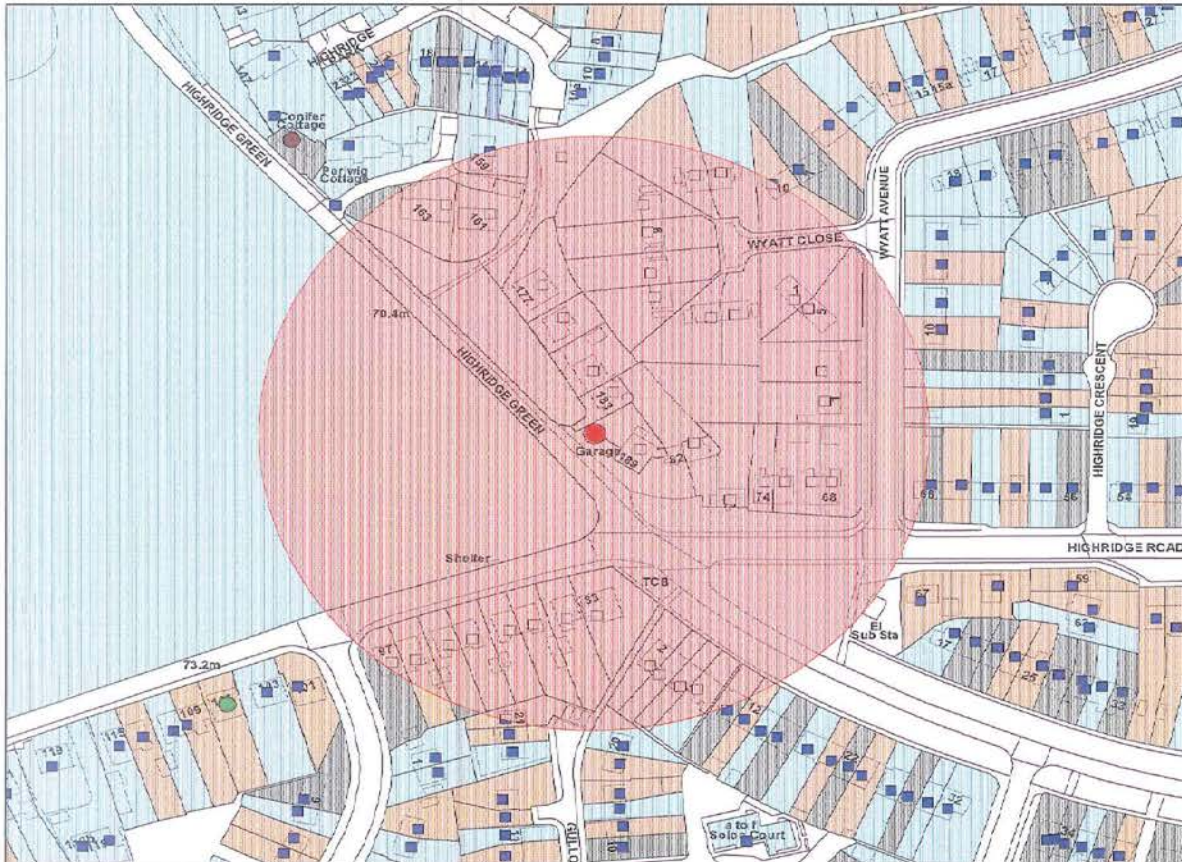
Please sign and date below to confirm that the above details are correct.

.....
(Signature)

Yener Olgun
Date 13.02.2014

Georges Snacks

Forecourt of 189 Highridge Green, Bristol



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Legend	
Scale :	1:1875

Organisation	Bristol City Council
Department	Licensing
Comments	
Date	24 May 2012
SLA Number	Not Set

Appendix 2	
BRISTOL CITY COUNCIL MINUTES OF MEETING OF THE PUBLIC SAFETY AND PROTECTION SUB-COMMITTEE B HELD ON 11th SEPTEMBER 2012 AT 10.00 AM	
PSP 63.9/12	Agenda item no: 7
Agenda title APPLICATION FOR THE GRANT OF STREET TRADING CONSENT AT FORE COURT OF 189 HIGHRIDGE GREEN, BRISTOL APPLICANT: YENER OLGUN PROPOSED TRADING NAME: GEORGE'S SNACKS	
Decision <p>That that the application for a Street Trading Consent on the forecourt of 189 Highridge Green, Bristol, between the hours of 1700 and 2300 Mondays to Saturdays and 1700 to 2200 Sundays be granted to Yener Olgun, subject to the General Conditions attached to the Report at Appendix A. Condition 18 to be modified so that it reads "The consent holder shall not cause any nuisance of annoyance to persons using the street or to any other premises within the vicinity". The consent shall also be subject to an additional condition whereby no electrical generator shall be used in connection with the business/use of the trading unit.</p>	
Reasons for Decision <p>Members considered very carefully all of the written and verbal evidence presented to them.</p> <p>Members noted that the applicant had successfully run a business in the near vicinity without any complaints. The impression he gave that he was a responsible trader who could no longer operate at his previous pitch because the public house had become a "sizzler" style restaurant so there was no longer a need for the additional provision of food at that location.</p> <p>Members fully acknowledged the concerns expressed by local residents but considered that the conditions to be imposed on the consent would address these issues.</p> <p>The Committee informed the Applicant that a street trading consent could very easily be revoked so it was within his best interests to ensure that he operated a tight ship without causing problems of nuisance.</p>	

It was further noted that no representations had been received from the Police or Highways.

Chair's Signature

Sarah Flower

From: _____
Sent: 17 December 2013 15:09
To: Sarah Flower
Cc:
Subject: Renewal of License for Georges Five Star Fast Food
Attachments: _bcc letter 090813.pdf; _bcc letter 150813.pdf; complaint letter 231013.pdf; DSC_0096.jpg; DSC_0095.jpg; DSC_0094.jpg

17th December 2013

Licensing Office
Princess Street
Bedminster
Bristol
BS3 4AG

**For the attention of Sarah Flower
Licenses and Permits Team Bristol**

Dear Sarah

Re: Renewal of License for Georges Five Star Fast Food –
@ The Forecourt of 189 Highridge Green, Bristol BS13 8AA

Thank you for talking to me on Friday afternoon, regarding the above. As discussed the burger van is situated just 20 yards from property with it vents pointing directly at my property. We have been reporting and making many complaints to the Pollution team at Bristol City Council regard the disgusting odor etc., which has not be resolved and is on-going.

his outlet has frequently broken his license by opening early generally around 4.30pm.

This outlet has also caused excess traffic and noise caused by cars revving their engines, tooting horns; slamming doors, until approx. 10.30pm at night. Also parking outside our property, blocking our driveway.

We have also witness people urinating behind the burger van.

I would like to object to the renewal of the license of the burger van, as set out by my reasons above. This outlet should never have been allowed a license and had been objected by all residents, Highridge Forum, Bristol City Councilors and Avon and Somerset Police.

I have attached correspondence received from the Environmental Protection Team, and also previously sent by wife, along with photographs taken Sunday 15/12/2013. Although he was not open at this time (3.30pm) he was preparing and cooking.

With regards



9222 050 730

Reply to: Dan Jefferies
Telephone: (0117) 922 3353
Fax: (0117) 922 3395
Our ref: 284920/ER8/DEJ
Your ref:
Date: 09 August 2013

Dear

Re: Alleged odour nuisance from burger van
at: Georges Five Star Fast Food, Forecourt of, 189 Highridge Green, Bristol, BS13 8AA

I write further to your complaint to this department on 2 August 2013.

It would be appreciated if you could contact the officer named at the top of this letter to advise whether you wish this department to investigate your complaint further. In this event, it may be necessary for officers to contact or visit you as appropriate with regard to carrying out observations.

If you have not contacted this department within 14 days of the date of this letter I will take no further action.

Yours sincerely

PP Dan Jefferies
Environmental Protection

Pollution Control Team
Brunel House, St George's Road
Bristol, BS1 5UY

Jonquil Maudlin
Neighbourhood Enforcement
Manager

Website
www.bristol.gov.uk



Reply to Dan Jefferies
Telephone 0117 922 3353
Minicom 0117 357 4444
Fax 0117 922 3395
E-mail pollution@bristol.gov.uk
Our ref 284920/E2A/DEJ
Your ref
Date 15 August 2013

Re: Alleged nuisance of strong cooking smells from burger van
At: Georges Five Star Fast Food; Forecourt of 189 Highridge Green,
Bristol BS13 8AA

I refer to your complaint regarding an alleged nuisance. I confirm that I have written to the occupiers of the above premises asking them to contact me to discuss the matter and to take steps to stop the nuisance.

If the nuisance continues after this it would be helpful if you would complete the enclosed diary. It is important that all the details requested are recorded as accurately as possible because the background information you provide may enable me to take further action to resolve your complaint.

In order to take formal action, officers need to witness the nuisance while it is occurring, so you should contact me on the above number during office hours if you are being seriously affected. Outside of office hours you can log an urgent complaint for my attention via the Emergency Control Centre on (0117) 922 2050. The Environmental Protection Team provides an out-of-hours service in the evening and in most cases is able to respond to urgent complaints.

You may also wish to know about Bristol Mediation, which is a voluntary group independent of any other organisation such as the police or city council. Bristol Mediation can help to resolve problems of this nature; they can be contacted on (0117) 941 5379.

If I do not hear from you again within four weeks from the date of this letter I shall assume the matter has been resolved and will take no further action.

Yours sincerely

PP
Dan Jefferies
Environmental Protection Team

Environmental Protection
Brunel House, St George's Road
Bristol, BS1 5UY

Jonquil Maudlin
Neighbourhood Enforcement
Manager

Website
www.bristol.gov.uk

BRISTOL CITY COUNCIL
NEIGHBOURHOODS

NAME OF COMPLAINANT
ADDRESS:

NATURE OF COMPLAINT: Alleged nuisance of strong cooking smells from burger van
AT: Georges Five Star Fast Food, Forecourt of 189 Highridge Green, Bristol, BS13 8AA

Please record the following details for each time you notice the nuisance about which you are complaining.			
DAY & DATE	TIME (am/pm)		DESCRIPTION OF NUISANCE
	Starts	Finishes	
FRI 21/8/13	4.50		HORRENDOUS Smell. Animal Proprietary to discuss with No Outcome
SAT 03/8/13	6.15		Stinks - Just Revolting Smell
Tues 07/8/13	6.40 6.35		Cooking Smells - Smells in My Bedroom Still Smells - HORRENDOUS - smell in Utility + my Kitchen
FRI 09/8/13	4.55		OPEN @ 4.55 - Smell is immediate
Wed 14/8/13	8.45		Still Stinking - Closing Bedroom Window
Sat 17/8	8.30		SMELL - HORRENDOUS in Rear GARAGE Fitter into Utility + Kitchen/Diner
Tues 20/8	9.00		Vile Smell - Walking Dog - Potatoes
FRI 23/8 SAT 24/8	8.40		Stinking - CATS Rubbish Picking @ TOP of my DIRT
Tues 27/8	6.57		Stinking - Makes me Heave.
Wed 11/9/13	7.47		Still Stinking - Just VILE in My Bedroom
Thurs 12/9/13	4.55		OPEN - Smells Since 4.30pm
Weds 18/9	4.55 7.15		STINKING Still Stinking

(If there is insufficient room on this page please turn over). Please add anything else you think the officer investigating your complaint needs to know: -

See Attached Letter

Give Authority to SPEAK WITH:

NAME:
(Please use block capitals)

SIGNED: DATE: 24/8/13

RETURN BY: 11/9/13

RETURN TO: Environmental Protection, Neighbourhoods, Brunel House, St Georges Road, Bristol, BS1 5UY.

CASE OFFICER: Dan Jefferies

TEL: 922 3353

Our Ref: 284920
P.T.O.

23rd October 2013

Your Ref: 284920/E2A/DEJ

Bristol City Council
Environmental Protection
Neighborhoods
Brunel House
St George's Road
Bristol
BS1 55UY

For the attention of Dan Jefferies

Dear Sir

Re: George Five Star Burger Van – ACTUAL NUISANCE

With regard to our previous telephone conversations, and recent correspondence.

I have enclosed diary as requested. Please be advised that this is not an 'alleged nuisance', this is an actual nuisance.

I would like to advise you of a continuing abhorrent smell that is omitted from the van on a daily basis. Through the course of summer and even now that the Autumn is here, my family has been subjected to the most disgusting and foul smells, whenever this is operational, the smell drifts to the area of my house frequently. My house is away from this outlet. My windows and doors are often open and this filters into my utility room and kitchen on the ground floor, and even in my bathroom and bedroom on the first floor. This is completely unacceptable.

On Friday 2nd August 2013 I asked the Proprietor of Cox's Garage to come into my front garden to smell for himself what we are experiencing. He advised that he could not smell anything as he was covered in oil and diesel (car mechanic). So I asked if his wife would like to come over to give her thoughts. She was immediately aggressive with me, and was clear she was not amenable to any type of conversation. Although she could smell the burger van, she did not think it was offensive, and slug a tirade of abuse comments at me, and accused me of just wanting to cause trouble and interfering with a business, which "just wanted to make a living". This is not the case; I understand how hard it is to make a living.

I am totally opposed to the burger van being here I do not see why, residents should be subjected to this most revolting smell continually. This is not the best place for the type of establishment. I feel it would be better placed in perhaps a pub car park or industrial estate, where it would not interfere with residential homes and traffic, where customers would be able to use this at any time including breakfast time, lunch time, tea time, and at closing time. People specify drive here to use this outlet, so if this were placed elsewhere, those same people could still drive there.

In the discussion, I suggested that the vents for the van be closed to stop the smell coming towards my house. I also suggested that the van should be re-positioned so the fumes would go in different direction. I also suggested that the van was moved to the opposite side of the forecourt. However, this would mean that the fumes and smells would blow directly into her mother and father's house and also her own garden directly. She was not interested in discussing my ideas and just was abusive and not interested in discussing this issue civilly. So your suggestion in your correspondence of the 15th August 2013 of contacting Bristol Mediation, although useful I feel would not be pertinent.

I have lived here for more than 25 years and have never had a cross word with any of my neighbor's.

Neighbor's at [redacted] and at [redacted] also share these views.

Our working day starts at 6.30am and we go to bed early, the noise of the van clearing up, with the clattering of pots and pans, cars pulling up and moving away, slamming doors, people talking at 10.15pm/10.30pm at night is disturbing. I am questioning the Council responsibility to other residents. I would like to know what reasons you feel are advantageous for this business to be placed here?

Avon and Somerset Police objected to this outlet as did the Highridge Forum, Richard Eddy and most surrounding residents, none of which use this outlet. So why is it here? Residents and the police are aware of a drug issue that is present locally. We have witnessed drugs being dealt on the pavement outside my house, I question where else this activity might be happening. What is Bristol City Councils policy on providing a food outlet that has no nutritional value what so ever and is clearly promoting a non-healthy life style.

Yesterday afternoon (22/10/13) @ 4.10pm my husband was in the kitchen/diner with the French doors open and could smell the burger van as it was preparing for the evening it was just disgusting, this went on throughout the evening. At 9.20pm when I walked my dog, the smell was still just disgusting.

I have spoken to your customer service department on several occasions. It would appear from your records that you have visited the site just once on 04/08/2013 @ 10.20pm when the van was closed. You also returned my call one evening, explaining that the team were busy elsewhere with a burglar alarm and unable to visit the site. Given that I have made a continued complaint with no obvious response from yourself, and with the evidence provided I now expect you to take action and respond to my complaint.

With regards







**STREET TRADING CONSENT
COUNCILLOR REPRESENTATION**

RECEIVED VIA EMAIL AT THE LICENSING OFFICE ON: 18th December 2013

RE: GEORGES FIVE STAR FAST FOOD

FROM: Councillors Richard Eddy & Kevin Quartley

I completely endorse my constituents, _____, comments and hope the Committee on 7th January 2014 refuses the renewal of this application.

Since the operation of this outlet (something Cllr Quartley and I opposed), we have received a string of complaints from constituents mainly centred on inconvenience, litter, highway safety and air pollution, I have urged those who contacted me to log their complaints and advise Licensing so that the flouting of these conditions can be monitored and enforced.

I would add one other major Highways points: At the Development Control (South & East) Committee dated Wednesday 27th November 2013, the committee gave planning consent for the construction of the South Bristol Link Road- part of which goes directly in front where the outlet currently operates from. The road is due to be built during 2014- 16 and, in my view, the current outlet would pose a genuine highways hazard.

Please record Cllr Quartley's and my continued opposition to the renewal of consent.

FOR THE
ATTENTION OF MR CARL KNIGHTS

RE: STREET TRADING CONSENT
GEORGES SNACKS FORECOURT OF
189 HIGHRIDGE GREEN

10.02.2014

MYSELF AND MY WIFE STRONGLY OPPOSE THE
SNACK VAN IN AMONGST RESIDENTIAL
DWELLINGS. IT CAUSES EXCESSIVE TRAFFIC AND
NOISE BUT THE THING WE OBJECT TO IS THE
AMOUNT OF LITTER IT CAUSES IN FRONT OF
OUR PROPERTY WE ARE FOREVER PICKING UP
THE LITTER AS IT BLOWS EVERYWHERE,



16th December 2013

Licensing Office
Princess Street
Bedminster
Bristol
BS3 4AG

**For the attention of Sarah Flower
Licenses and Permits Team Bristol**

Dear Ms Flower

Re: Renewal of License for Georges Five Star Fast Food –
@ The Forecourt of 189 Highridge Green, Bristol BS13 8AA

I would like to object to the renewal of the license for the above,
due to:

- Anti-social behavior
- People eating at the bus shelter and discarding there rubbish
- People urinating behind the burger van
- Disgusting continuous smell
- Noise caused by cars revving their engines, tooting horns,
slamming doors

16th December 2013

Licensing Office
Princess Street
Bedminster
Bristol
BS3 4AG

For the attention of Sarah Flower
Licenses and Permits Team Bristol

Dear Ms Flower

Re: Renewal of License for Georges Five Star Fast Food -
@ The Forecourt of 189 Highridge Green, Bristol BS13 8AA

I would like to object to the renewal of the license for the above,
due to:

*the ~~to~~ the disgusting smell,
excessive noise late at night
caused by the traffic
or insocial behaviour of the
customers.*

16th December 2013

Licensing Office
Princess Street
Bedminster
Bristol
BS3 4AG

For the attention of Sarah Flower
Licenses and Permits Team Bristol

Dear Ms Flower

Re: Renewal of License for Georges Five Star Fast Food -
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- Disgusting continuous smell
- Noise caused by cars revving their engines, tooting horns,
slamming doors

Carl Knights

From: Daniel Jefferies
Sent: 03 February 2014 09:46
To: Carl Knights
Subject: RE: Georges Five Star Fast Food - "Forecourt of", 189 Highridge Green, Bedminster Down, Bristol

Dear Carl

Our officers visited this weekend and have witnessed the smell of burgers entering into the clients property and in the front and rear of the clients premises.

Please reference the below:

**31/1/2014 - Night Visit to at
18:50. Strong wafts of greasy/burger
cooking smells outside front of their
property. In the rear garden with some
wafts coming into kitchen. Also can
smell wafts in from bedroom with
windows open. Potentially a problem if
continuously like this as complainants
have indicated.**

Please use the above as needed. This demonstrates that there is an issue when the prevailing winds are in the direction of the clients property and therefore odour nuisance could be an issue here.

Regards

Dan

Daniel Jefferies
Environmental Health Officer
(UNITE - Shop Steward)
Pollution Control Team
Brunel House
St Georges Road
Bristol
BS1 5UY

Tel: 0117 9223353

Carl Knights

From: Carol Donovan
Sent: 10 February 2014 15:04
To: Carl Knights; Daniel Jefferies;
Subject: Burger Van Highridge Green Civica ref 290848 and 282940

Dear All,

I have visited this van several times over the last few months to see if I can see any action that needs to be taken against the owner of the van. Specifically in relation to and contravention of Section 33 and 34 of the Environmental Protection Act 1990. This legislation relates to the production, storage and disposal of controlled waste. I have also monitored the litter impact of the site of the Burger van in relation to Section 87 of the same act.

During my visits I have found no escape of any litter or waste from the van, the green opposite is not in danger of being contaminated by waste from this food outlet.

The operator of the van has told me at closing time the area is carefully checked for any litter that might be attributed to the van and safely disposed of. The food area is clean, tidy and organised. The waste is safely and legally disposed of.

There is no evidence for me to take any action against the owner of the van, however I will continue to monitor progress. Should there be an issue I will attend to resolve the matter.

If you have any further questions please do not hesitate to contact me.

Regards
Carol

Carol Donovan
Environmental Protection Enforcement Officer
Brunel House,
Bristol City Council,
St Georges Road,
Bristol,
BS1 5UY

Tel: 0117 923438

Carl Knights

From: Carl Knights
Sent: 12 February 2014 14:12
To:
Cc:
Subject: RE: Burger Van at Coxes Garage, Bishopsworth Bristol Civica 290848

Dear

Thank you for your email, my apologies for the delay in responding. I will ensure all email correspondence is included in the committee report so the members are fully aware of the issues you have raised. Names will be redacted.

I am unable to comment on the action taken by Environmental Health. My understanding is that in order to serve an abatement notice under the Environmental Protection Act a statutory nuisance must be witnessed which is a high test. However I do not deal with this area of legislation.

I was not involved with the original application but have reviewed the file. No representation was received from Avon & Somerset Constabulary, however I note representations were received from a number of other parties. I have consulted the minutes for the Public Safety & Protection Committee and the reasons for the decision are recorded as follows:

"Members considered very carefully all of the written and verbal evidence presented to them.

Members noted that the applicant had successfully run a business in the near vicinity without any complaints. The impression he gave that he was a responsible trader who could no longer operate at his previous pitch because the public house had become a "sizzler" style restaurant so there was no longer a need for the additional provision of food at that location.

Members fully acknowledged the concerns expressed by local residents but considered that the conditions to be imposed on the consent would address these issues.

The Committee informed the Applicant that a street trading consent could very easily be revoked so it was within his best interests to ensure that he operated a tight ship without causing problems of nuisance.

It was further noted that no representations had been received from the Police or Highways."

The unique conditions imposed are as follows:

1. The consent holder shall not cause any nuisance or annoyance to any persons using the street or to any other premises in the vicinity.
2. No electrical generator shall be used in connection with the business/use of the trading unit.

Details of your complaints (stating a breach of unique condition 1) will be included in the committee report and correspondence from Environmental Health regarding their visit on 31 January 2014 where the Officer confirmed cooking odours could be smelt in your property.

You will note the comment in the above minutes where the committee advised the consent could be easily revoked. I will ensure the minutes form part of the committee report and members attention is drawn to the warning given to the applicant/consent holder in 2012.

Given the information received by the Council I can also advise that the committee report will include an Officer recommendation that the application to renew the consent be refused.

If you require any further information please do not hesitate to contact me.

Kind regards

Carl Knights
Senior Licensing Officer

Tel: 0117 9142246
Fax: 0117 9142515
Email: carl.knights@bristol.gov.uk

Bristol City Council, Licensing Team, Princess House, Princess Street, Bristol BS3 4AG

www.bristol.gov.uk

Enforcement and Regulatory Services are undertaking the following Customer Satisfaction survey to evaluate the level of service that you have received and to consider how we can improve our service.

We would appreciate your comments at <https://www.surveymonkey.com/s/EARSCustomerSatisfactionSurvey>

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From: I
Sent: 06 February 2014 15:31
To: Carl Knights
Cc:
Subject: RE: Burger Van at Coxes Garage, Bishopsworth Bristol Civic 290848

Hi Carl

I would appreciate this being added to your file, as part of our complaint.

After many many telephone calls and complaints through 2013 to Environmental health team, they eventually have sent one of their team members out to see us on Friday 31/01/2014. She spent some time in the house in various rooms, upstairs and down, and also the garden and was able to experience the stench of the burger van for herself. She planned to visit again on Saturday evening and again on Sunday, but due to the extreme weather conditions, it would have been a pointless exercise.

Dan Jefferies @ Environment team called my husband on Monday on response of my email to all. He advised that although the smell was apparent, this alone was not enough evidence to warrant the van being closed down!!!! WHY?..... I cannot sit in my bedroom with the window open and read a book, or simply look at the view as the smell filters into my bedroom, this was clear and evident on Friday 31/01/2014 when The Environment Team visited.

I find it hard to believe and residents have to endure this unbearable smell. I did not choose to live next door to a food outlet. This outlet was positioned here, with only the councils support... WHY? Avon and Somerset Police, Highridge Forum, local residents were all against this. WHY has it

been granted a licence? Why do the council have the power to overrule these agencies and local residents.

It was agreed in the conversation my husband had with Dan Jefferies that another team member to visit the site on Friday 14th February.

I would appreciate your support, when this licence is up for renewal.

With regards

From: Carl Knights [mailto:carl.knights@bristol.gov.uk]

Sent: 06 February 2014 14:46

To: t

Cc: r

Subject: RE: Burger Van at Coxes Garage, Bishopsworth Bristol Civic 290848

Dear

Thank you for copying me into your email. Would you like me to include a copy of the email (names redacted) in the committee report for the hearing into the renewal of the street trading consent on 11 March 2014?

Kind regards

Carl Knights
Senior Licensing Officer

Tel: 0117 9142246

Fax: 0117 9142515

Email: carl.knights@bristol.gov.uk

Bristol City Council, Licensing Team, Princess House, Princess Street, Bristol BS3 4AG

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From:

Sent: 05 February 2014 13:20

To: D

Cc: K

Subject: Burger Van at Coxes Garage, Bishopsworth Bristol Civic 290848

Dear Mr Jefferies

Many thanks for sending one of your officers to our house on the 31st January 2014 on a pre-arranged appointment.

On a very windy night this disgusting odour was very apparent and was witnessed by your officer in our property, in the garden, utility room, kitchen, lounge and 1st floor bedroom. Your officer visited again on the 1st February but the wind was so strong and blowing away from our property. We have been complaining about this food outlet prior to last summer and it is very disappointing that your staff have not visited us before despite numerous complaints.

When the weather has been better this disgusting odour is a lot stronger and lingers longer and we cannot open our windows or sit in our garden without ingesting this sickening odour, which is a health issue. Could you please advise when you will call again and also of what actions you are taking with regard to this complaint and what else we can do to get this food outlet moved.

With regards

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Carl Knights

From: Daniel Jefferies
Sent: 28 February 2014 10:53
To: Carl Knights
Subject: RE: Burger Van at Coxes Garage, Bishopsworth Bristol Civica 290848

Hi Carl

Yes the visit was undertaken and here are the officers notes – 14th Feb

Night Visit @ 19:00, extremely bad weather conditions, van closed with person inside, but can smell deep fat frier outside complainants property, potential problem if more fragrant foods are cooked. agreed to visit tomorrow, complainant not around tomorrow due to a wedding, advised we will do obs anyway.

The obs the following day were not indicative as wind were in the opposite direction.

Further obs carried out on the 21st Feb – Notes below:

Night Visit at 19:00 -19:15 with MW.
On arrival approx 3 people ordering food and constant flow of people having food through out visit. Obs outside can smell a greasy smell at times throughout visit when wind blew in our direction. Potential problem for summer when likely to be outside.

All obs seem to indicate that with the right conditions there is clear potential for a problem here.

I hope this is of assistance.

Regards

Dan

Daniel Jefferies
Environmental Health Officer
(UNITE - Shop Steward)
Pollution Control Team
Brunel House
St Georges Road
Bristol
BS1 5UY



BRISTOL CITY COUNCIL - LICENSING ENFORCEMENT
 I certify that I personally delivered a copy of this letter/
 summons, of which this is a true copy, by handing it to
 posting it through the letterbox at the
 above address *At BS04 12-2-14*

 LICENSING ENFORCEMENT CO-ORDINATOR/OFFICER

Mr Yener Olgun
 75A Lynton Road
 Bristol
 BS3 5LU

CONTACT: Licensing Authority
TELEPHONE: 0117 9142500
FAX: 0117 9142515
DATE: 11 February 2014
E MAIL: licensing@bristol.gov.uk

Dear Mr Olgun,

**RE: STREET TRADING CONSENT – SCHEDULE 4, LOCAL GOVERNMENT
 (MISCELLANEOUS PROVISIONS) ACT 1982
 GEORGES SNACKS – FORECOURT OF 189 HIGHRIDGÉ GREEN, BRISTOL,
 BS13 8AA.**

As you are aware the renewal of the above consent was considered by the members of the Public Safety and Protection (PSP) Committee on Tuesday 7 January 2014. At the hearing the members of the Committee requested further information from the Council's Environmental Health, Pollution Control Team.

The members of the committee considered it was inappropriate to take any action against the consent until such information was available, and as such approved the grant of the consent until the next quarterly period, being 31 March 2014. The renewal of this consent will now be considered by the PSP Committee on 11 March 2014.

Since the committee hearing further information has been received from the Council's Pollution Control Team. Council Officers have visited the complainant's property and reported:

"strong wafts of greasy/burger cooking smells outside front of their property. In the rear garden with some wafts coming into kitchen. Also can smell wafts in from bedroom with windows open. Potentially a problem if continuously like this as complainants have indicated."

Pollution Control have stated that the visit demonstrates that there is an issue when the prevailing winds are in the direction of the complainant's property.

The minutes of the committee meeting when the application was originally granted on 11 September 2012 record:

"Members fully acknowledged the concerns expressed by local residents but considered that the conditions to be imposed on the consent would address these issues."

Licensing Team
 Princess House, Princess Street
 Bedminster, Bristol BS3 4AG

Nick Carter
 Enforcement & Regulatory Services
 Manager

Website
www.bristol.gov.uk

The Committee informed the Applicant that a street trading consent could very easily be revoked so it was within his best interests to ensure that he operated a tight ship without causing problems of nuisance."

Unique conditions were imposed on the consent, one of which stated:

"1. The consent holder shall not cause any nuisance or annoyance to any persons using the street or to any other premises in the vicinity."

I must advise you that given the complaints received by the Council, and the information received from the Council's Pollution Control Team the Officer recommendation in the report to the PSP Committee on 11 March 2014 will be that the renewal application be rejected.

The decision as to whether any renewal application is rejected will rest with the committee. As at the previous hearing you are entitled to put your case to the committee and submit any supporting evidence you wish.

Should you wish to renew your consent and have the matter considered by the members of the PSP Committee please complete the enclosed renewal application form and return to this office no later than Wednesday 26 February 2014. Please also provide any supporting documentation by this time for inclusion in the committee report. Documentation supplied after this time will not be included in the report, but will be circulated to members.

If you require any further information please do not hesitate to contact me.

Yours sincerely,



Mr Carl Knights
Senior Licensing Officer