

AGENDA ITEM NO 12

BRISTOL CITY COUNCIL PUBLIC SAFETY AND PROTECTION COMMITTEE

15 July 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 11 June 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. 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 site location plan at Appendix B.

RENEWAL

5. 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.
6. During the course of the consent complaints were received by the Licensing Department and Pollution Control Team regarding odour, anti-social behaviour and litter. The matter 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.
7. The matter went back before the committee on 11 March 2014 where Members approved the grant of a new consent subject to the installation of filters to eliminate cooking odors. A copy of the committee report, including copies of complaints received about the operation of the consent, and Minutes are attached at Appendix C.
8. In May 2014 the Council's Planning Enforcement Team advised that the unit authorised under the street trading consent would require planning consent and that no planning consent was in force. The letter also states: *"On assessment it is considered this commercial food and drink development is inappropriate in this location and is also visually jarring in its local context, which is a conservation area. It is also considered; the use is inappropriate of the character and nature of the immediate environment and causes harm to residential amenity. Resultantly I must advise the Councils planning department cannot support this use on this forecourt and are minded to seek its cessation and removal."* A copy of Planning Enforcements letter to the land owner is attached at Appendix D.

9. On 28 May a letter was sent to Mr Olgun to advise him of Planning Enforcement's position and that further complaints had been received by the Licensing Department regarding the operation of the consent. The letter advised that any renewal would be placed before the Public Safety and Protection Committee. A copy of this letter is attached at Appendix E.
10. A copy of the complaints received by the Licensing Department regarding the operation of the consent are attached at Appendix F.
11. Following the grant of the consent on 11 March 2014 Daniel Jefferies, Environmental Health Officer, Pollution Control Team visited the site to ensure filters were installed. An email regarding his visit is attached at Appendix G
12. A representation from the Planning Authority regarding the renewal application is attached at Appendix H.
13. On 12 June 2014 a letter was received from Ms Charlotte Johns, Cox Bros Ltd (the land owner) regarding the consent. A copy of the letter is attached at Appendix I.
14. 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.

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

RECOMMENDED That 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.

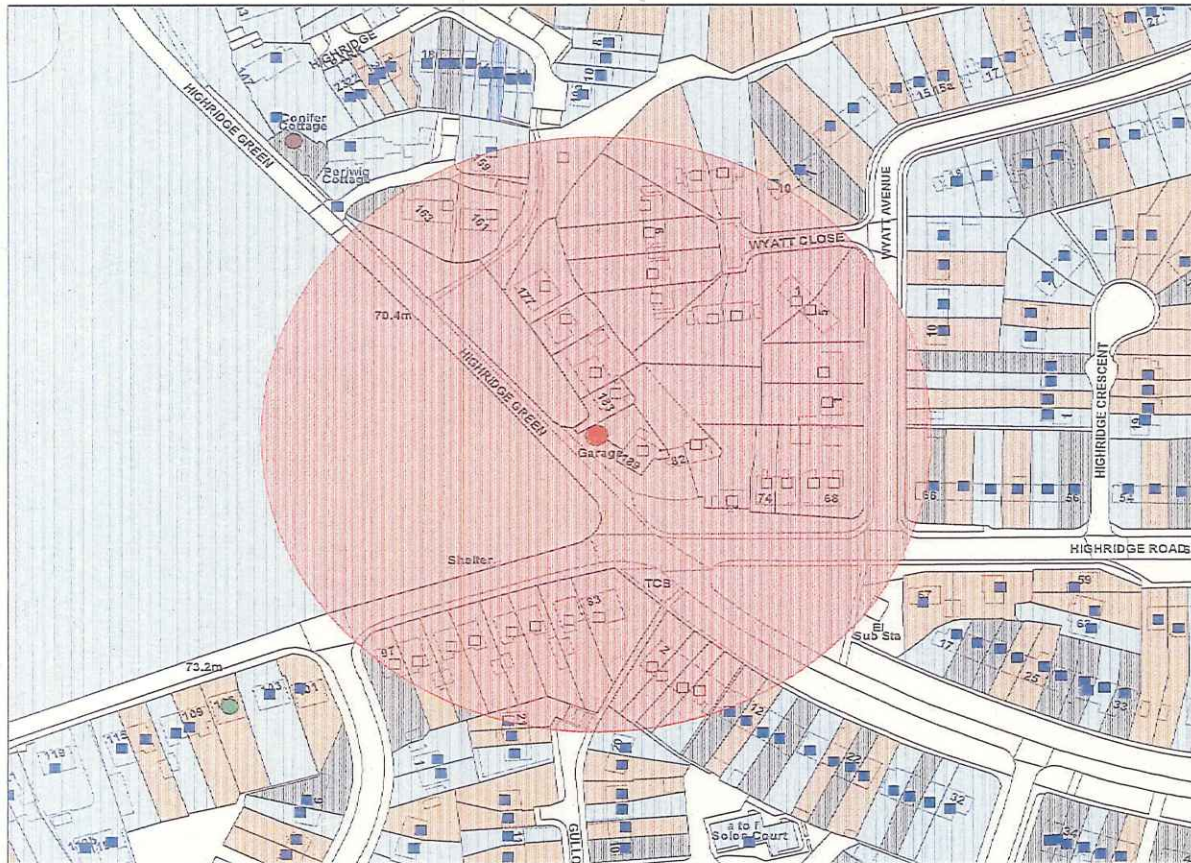
1. The consent holder shall only trade in the description of articles stated on the consent.
3. The consent holder shall not carry on business on any street so as to cause obstruction or cause danger to people using the street.
4. The consent holder shall not carry on business from any vehicle or erect 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

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.

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 B

AGENDA ITEM NO

**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.

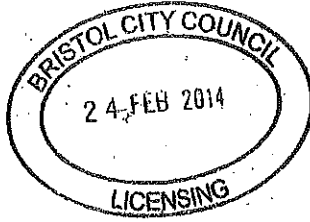
1. The consent holder shall only trade in the description of articles stated on the consent.
3. The consent holder shall not carry on business on any street so as to cause obstruction or cause danger to people using the street.
4. The consent holder shall not carry on business from any vehicle or erect 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.

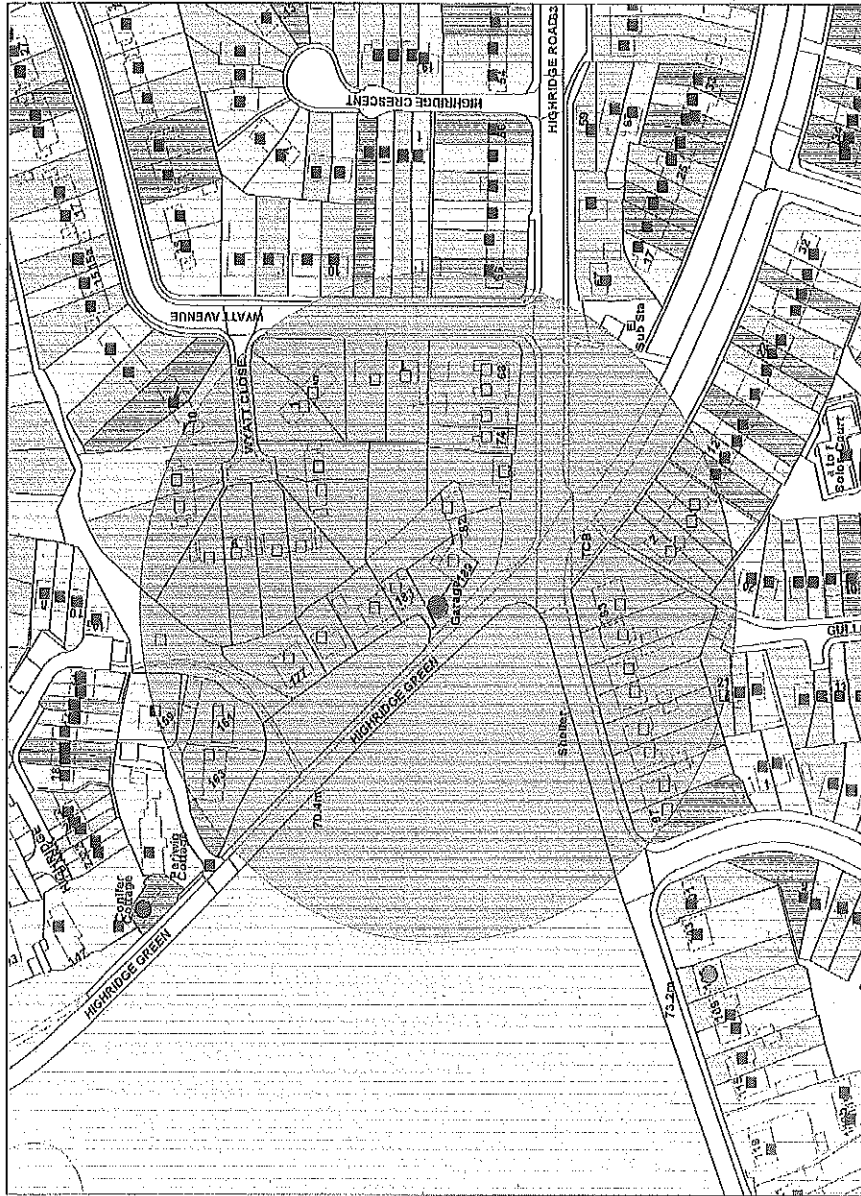
.....
Yener Olgun

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 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.	
Reasons for Decision 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.

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 - Rental Property to discuss with No Outcome
SAT 03/8/13	6.15		Stinks - Just Revolving Smell
Fri 03/8/13	4.40 6.35		Cooking Smells + Smell 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	4.50		Smell - Horrendous in Rear Garage Further into Utility + Kitchen/Diner
Tues 20/8	9 AM		Vile Smell - Walking Dog - Putats
Fri 23/8 SAT 24/8	8.40		Stinking - Cats Rubbish Parking @ Top of my Drive
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 18/9/13	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: *20/08/13*

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.

DAY & DATE	TIME (am/pm)		DESCRIPTION OF NUISANCE
	Starts	Finishes	
Fri 2/20/14	6:15		Ceasing Smell Abhorrent
SAT 2/14	5:50		Home from Hospital and still stinks
Tues 2/17/14	7:35		As Above

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 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.

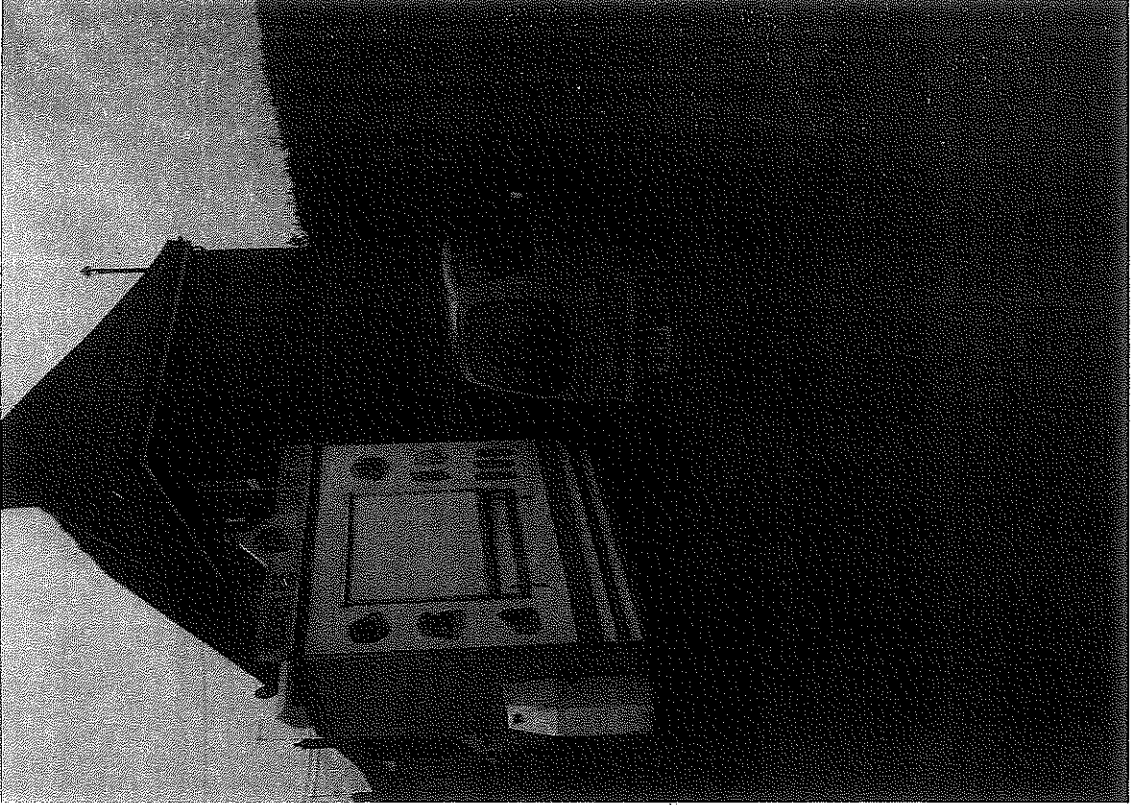
Our working day starts at 6.30am and we go to bed early, the noise of the van clearing up, with the clattering of pots and pans, cars pulling up and moving away, slamming doors, people talking at 10.15pm/10.30pm at night is disturbing. I am questioning the Council responsibility to other residents. I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

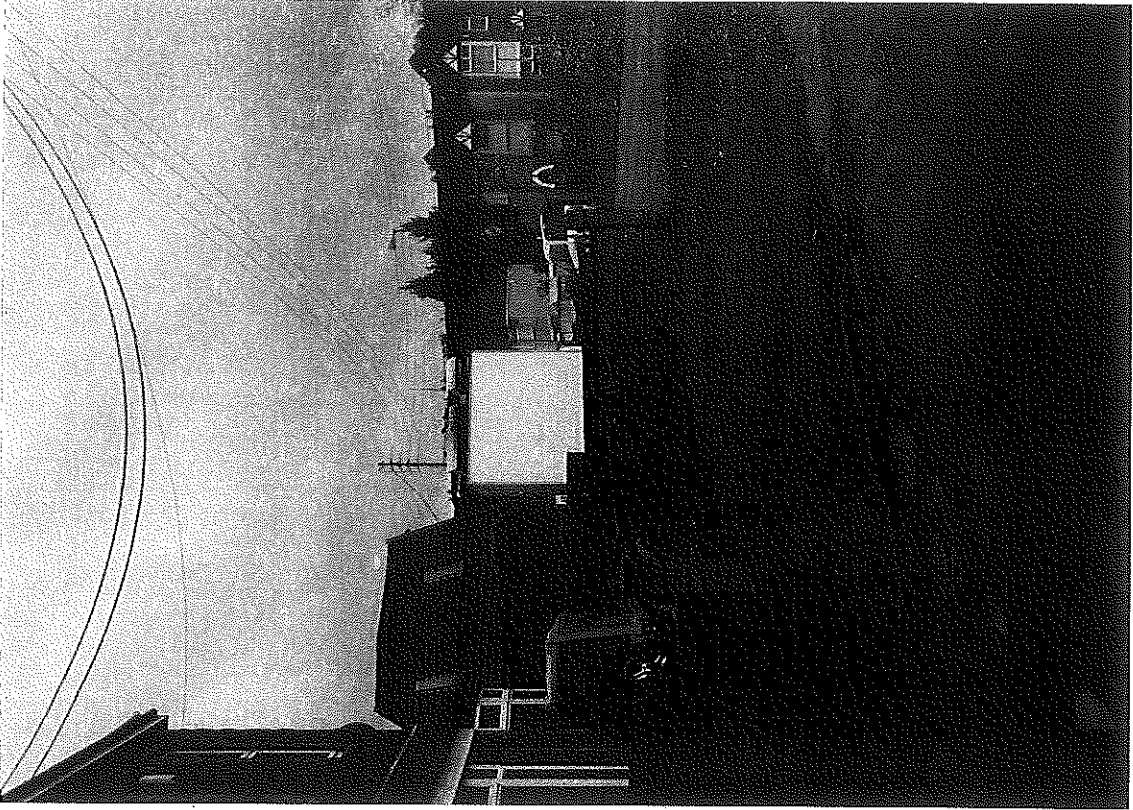
Avon and Somerset Police objected to this outlet as did the Highridge Forum, Richard Eddy and most surrounding residents, none of which use this outlet. So why is it here? Residents and the police are aware of a drug issue that is present locally. We have witnessed drugs being dealt on the pavement outside 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.

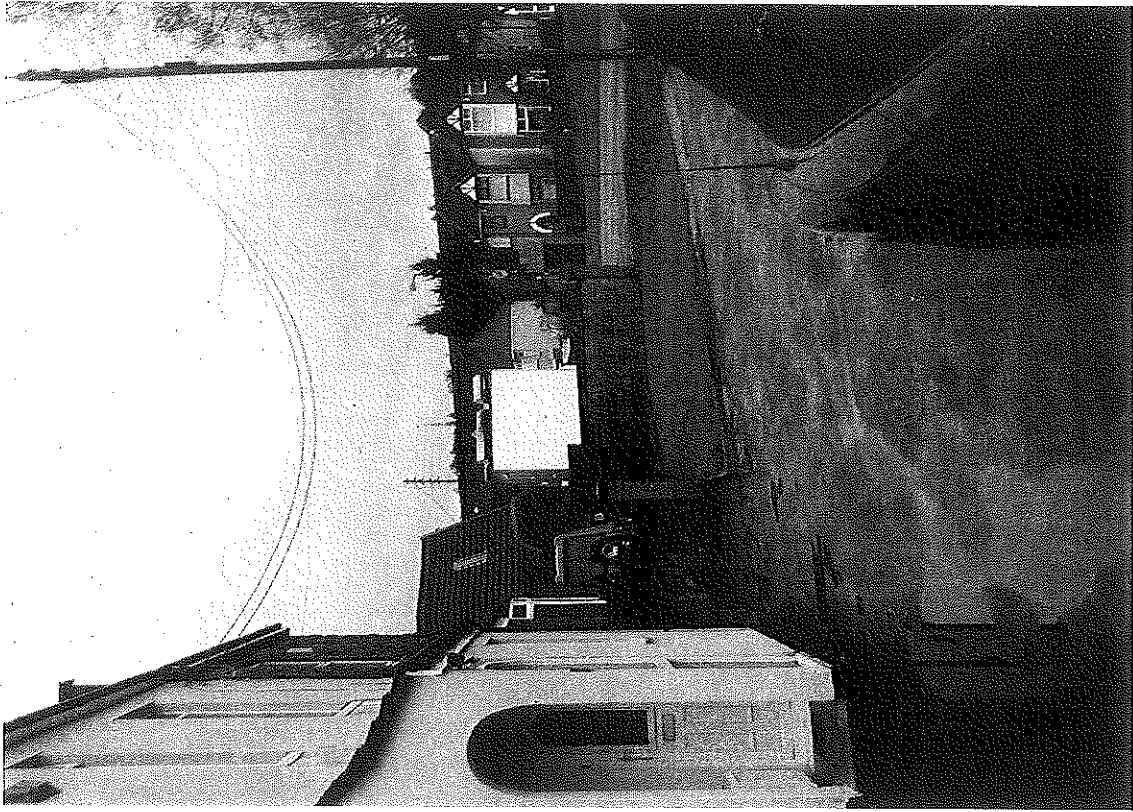
Yesterday afternoon (22/10/13) @ 4.10pm by husband was in the kitchen/diner with the French doors open and could smell the burger van as it was preparing for the evening it was just disgusting, this went on throughout the evening. At 9.20pm when I walked my dog, the smell was still just disgusting.

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

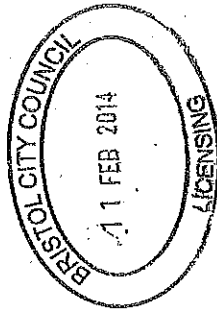
RE: STREET TRADING CONSENT

GEORGES SNACKS FOREWORT 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:

*due to the disgusting smell,
excessive noise late at night
caused by the traffic
& unsocial 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 –**
@ 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
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- People urinating behind the burger van
- 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 [redacted] at [redacted]
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 Civic 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:

Cc:

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

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.

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From:

Sent: 05 February 2014 13:20

To:

Cc:

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

This email and any attachments are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you are not the addressee, please do not use or publish its contents, please immediately and then delete it. Contracts cannot be concluded with us nor services effected by email. Emails are not secure and may contain viruses. Group's system this email was virus free, however you are advised to scan all messages for viruses with your own anti-virus programme.

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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 Civic 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 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 HIGHRIDGE 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

BRISTOL CITY COUNCIL**MINUTES OF MEETING
OF THE PUBLIC SAFETY AND PROTECTION
SUB-COMMITTEE B
HELD ON 11th MARCH 2014 AT 10.30 AM**

PSP 121.3/14

Agenda Item No. 5

Agenda title

**APPLICATION FOR THE RENEWAL OF A STREET TRADING CONSENT
AT FORECOURT OF 189 HIGHRIDGE GREEN, BRISTOL BS13 8AA
APPLICANT: YENER OLGUN
PROPOSED TRADING NAME: GEORGE'S SNACK**

Decision

That the Street Trading Consent be granted with effect from 1st April 2014, subject to the filters being installed by that date and the Conditions at Appendix A of the report (including the Unique Conditions).

(It was also recommended to YO that he should arrange for Pollution Control to check the effectiveness of the filters as he could be issued with an Abatement Notice.)

Reasons for Decision

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

They noted the complaints about the smell that have been received. However they also noted that YO has purchased filters and will have them fitted as soon as possible.

They therefore agreed to grant a Consent to YO with effect from 1st April 2014, subject to him having the filters installed by that time (and Conditions).

In order to ensure that the filters are effective in eliminating smells. Members also recommended to YO that he should arrange for Pollution Control to check the effectiveness of the filters as he could be issued with an Abatement Notice.

Chair's Signature

be suspended for a period of 3 months.

INFORMATION ITEM

PSP

128.3/14 DATE OF NEXT MEETING

RESOLVED – that the next meeting will be held on Tuesday 8th April 2014 at 10.00 a.m. and is likely to be a meeting of Sub-Committee B.

(The meeting ended at 3.40 pm.)

CHAIR



APPENDIX D

Cox Bros,
189 Highridge Green
Bishopsworth
Bristol
BS13 8AA

reply to Nick McCamphill
telephone 0117 922 3482
E-mail planning.enforcement@bristol.gov.uk
our ref 14/30240/COU
date 13 May 2014

Dear Sir/Madam

Complaint Ref: 14/30240/COU

Address: Forecourt 189 Highridge Green Bristol BS13 8AA

Alleged breach of planning control: Formation of hot food takeaway, change of use of land to A5 (Use class: hot food takeaway)

I write to you in regard to the above complaint registered with Bristol City Council Planning Enforcement Team.

Complaints have been received regarding the permanent pitch of a hot food takeaway van "Georges five star fast food" on the front forecourt of Cox Bros, 189 Highridge Green. This would have required planning consent, however according to our records no consent exists.

I have visited the site and tested this development against local plan policy. On assessment it is considered this commercial food and drink development is inappropriate in this location and is also visually jarring in its local context, which is a conservation area. It is also considered; the use is inappropriate of the character and nature of the immediate environment and causes harm to residential amenity. Resultantly I must advise the Councils planning department cannot support this use on this forecourt and are minded to seek its caseation and removal.

Given the above please contact me, within 14 days of the date of this letter, with a view to seeking a satisfactory resolution to this matter and the removal of the fast food outlet from this address. Should I not hear from you and/or a resolution not be reached to the satisfaction of the Councils planning enforcement team the Council may have no other option but to seek remedy through formal enforcement powers.

I trust you will give the above matter the appropriate attention and I look forward to hearing from you shortly.

Yours sincerely

Nick McCamphill
Planning Enforcement Team

City Development
Brunel House, St George's Road
Bristol BS1 5UY

Website
www.bristol.gov.uk



APPENDIX E

Mr Yener Olgun
75A Lynton Road
Bristol
BS3 5LU

CONTACT: Licensing Authority
TELEPHONE: 0117 9142500
FAX: 0117 9142515
DATE: 28 May 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 HIGHRIDGE GREEN, BRISTOL,
BS13 8AA.**

I have been advised by the Council's Planning Enforcement Team that the location of your unit and the operation of your business under the Street Trading Consent would require planning consent, but no consent exists.

The Planning Enforcement Team have further advised that the Council's Planning Department cannot support the use of this unit as set out below:

"On assessment it is considered this commercial food and drink development is inappropriate in this location and is also visually jarring in its local context, which is a conservation area. It is also considered; the use is inappropriate of the character and nature of the immediate environment and causes harm to residential amenity. Resultantly I must advise the Councils planning department cannot support this use on this forecourt and are minded to seek its cessation and removal."

Your existing consent expires on 30 June 2014. At the meeting of the Public Safety and Protection Committee on 11 March 2014 the committee determined it appropriate to approve the grant of the consent for a six month period to ascertain the effectiveness of the filters which had to be installed by 1 April 2014.

Since the installation of the filters the Licensing Office has received further complaints regarding the operation of your consent. The complainant alleges that whilst odour pollution from cooking smells has decreased since the installation of the filters it is still at unacceptable levels. It is also alleged that customers are parking their vehicles in such a manner as to block footpaths and residential driveways and that a customer has been witnessed urinating on Highridge Common.

As a result of the information received from the Council's Planning Enforcement Team any application to renew your consent will be placed before the members of the Public Safety and Protection Committee. The report to the committee will include the comments from the Planning Enforcement Team and any complaints received regarding

Licensing Team

Princess House, Princess Street
Bedminster, Bristol BS3 4AG

Nick Carter

Enforcement & Regulatory Services
Manager

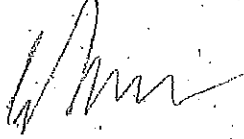
Website

www.bristol.gov.uk

the operation of your consent. Should you wish to renew your consent please complete the enclosed renewal application form and return to this office no later than Friday 13 June 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,

A handwritten signature in black ink, appearing to read 'C. Knights', written in a cursive style.

Mr Carl Knights
Senior Licensing Officer

Carl Knights

From:
Sent: 28 May 2014 18:04
To: Carl Knights
Subject: Re: Burger van at 189 highridge green
Attachments: burger van 005 (2).jpg

Hi Carl,

Please see attached more images of cars blocking footpaths and drive ways. The matter is becoming frustrating for me and my family and many other family's on Highridge common have agreed. It is destroying our sense of community and is giving Highridge common a bad image and I feel it is also becoming unsafe due to intoxicated individuals leaving the Elm Tree pub (On Highridge Road) who are then heading to the burger van to get fast food and it is creating noise and unease within our neighborhood. The urinating incident was horrific to see on a Sunday bank holiday evening while it was still light (Please see previous email for images). These are just a few of the on going negativity the burger van is bringing to our area. This all would be prevented if the burger van was to be removed.

I appreciate your time and help with the matter.
Regards

On 28 May 2014 17:17, [redacted] <[redacted]> wrote:
Carl,

We are still having problems with the above, the odour pollution is less but still unacceptable, on the 23 may it was quite strong and on the 26 may we were talking to our neighbours at [redacted]) at 4pm when the cooking odour was so strong we had to shut our doors and windows. We,ve also had problems with customers parking their vehicles blocking footpaths and neighbours drives. We also witnessed a disgusting incident when a customer placed his food order then walked onto highridge common and urinated against a tree in full view of the neighbourhood. (photos attached). I hope these complaints help give cause for the burger vans removal. as there are no wc facilities the cook must also be urinating in public as he,s tthere for almost 8 hours most days.

Regards











Carl Knights

From: [REDACTED]
Sent: 27 June 2014 11:19
To: Carl Knights; Nick McCamphill
Subject: Georges burger van @Highridge green bristol

Hi Carl/Nick,

Please find attached further evidence of Georges customers causing disruption whilst buying takeaways i.e. blocking neighbours drives, blocking pedestrian access-ways and causing traffic congestion. I hope this gives further cause to strengthen this case and lead to the removal of this disgusting food outlet from our neighbourhood.

Please update me of any further developments.

Many thanks







Carl Knights

From:
Sent: 02 July 2014 13:39
To: Carl Knights
Subject: Subject: Mobile Food Outlet, Cox's Garage, Highridge Green, Bishopsworth

Dear Nick

I, together with many other residents who live close to the food van on Highridge Green, have received a letter through the door regarding the van.

The letter points out that the laminated signage on the van is subject to planning permission, which it doesn't have. In addition, the van attracts customers who park on the pavement in such a way that they cause an obstruction. There I certainly an increase in littering on Highridge Common, which is on the other side of the rad from the van. Those living very close to the van report an increase in drug taking and the selling of drugs, of excessive noise late at night and even men urinating on the Common and on the garage forecourt.

This is clearly unacceptable and, it would appear, in contravention of Planning Laws.

I think, as residents of a quiet, semi-rural area, the whole issue of this van needs to be investigated by the Council; both Planning and Food Licencing departments.

We look forward to Bristol City Council taking some action on this issue.

Sincerely

Bishopsworth.

Carl Knights

From:
Sent: 02 July 2014 15:05
To: Carl Knights
Cc: Nick McCamphill
Subject: foodoutlet on cox's garage forecourt. Bishopsworth

This e-mail is with reference to the food outlet on Cox's garage forecourt Highridge Road, Bishopsworth. The outlet is in a conservation area and an eyesore. We have put up with this for nearly 2 years. I live on the common, about 50 yards from the food outlet. The weekends are the worse when the bus stop is used as an area to eat food and leave the empty containers on the ground. An elderly gentleman who lives locally kindly clears up the rubbish daily. We do not see at any time street cleaners. Children play around the food outlet, whilst cars pull up, park anywhere including on the pavement while pedestrians walk on the road, very dangerous at this is also on crossroads. The gentleman that owns this outlet arrives about 3p.m each day to open at 5pm, closes around 11p.m, where in this time is he able to relief himself, in the bushes i suppose. THIS ILLUMINATED OUTLET IS A BLOT ON A LOVELY CONSERVATION AREA.

Carl Knights

From: Daniel Jefferies
Sent: 01 July 2014 09:26
To: Carl Knights
Cc: Dylan Davies
Subject: RE: Georges Snacks, Forecourt 189 Highridge Green

Hi Carl

Following the information we supplied for the previous committee and their decision to grant the license based on the installation of a suitable extract filtration system I have visited and a carbon system has been installed however I recommended they also install a canopy above the grill to provide suitable collection of cooking fumes. I have still not received any confirmation that this has been installed and this has yet to be inspected by our team.

The last complaint received by this team was on the 3/5/14 however there was no odour at the time of our visit.

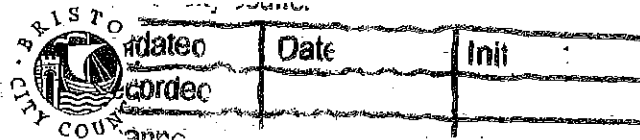
I will copy Dylan Davies from this team in on this e-mail so we can arrange for someone to attend in my absence.

Many Thanks

Dan

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

Tel: 0117 9223353



Licensing Office, Princess House, Princess Street, Bristol, BS3 4AG
 Tel 0117 914 2500 Fax 0117 914 2515 E-mail licensing@bristol.gov.uk
Representation Form

Responsible Authority: Local Planning Authority

Name	Nick McCamphill
Job Title	Senior Planning Enforcement Officer
email address	nick.mccamphill@bristol.gov.uk
Contact telephone number	Ext 23482

Name and address of the premises you are making representation about	Georges Snacks, Forecourt Of 189 Highridge Green, Bristol, BS13 8AA
Application Reference No.	12/01118/STCON

Representation	The Local Planning Authority hereby objects to this matter.
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Additional Information –

We note that an application for the grant of a street trading consent under the LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 has been made for the above.

We note that the application seeks consent for:-

Goods for sale Monday to Saturday 17:00 - 23:00
 Goods for sale Sunday 10:00 - 22:00

The Local Planning Authority notes that the purpose of the Council's street trading policy is to provide a decision making framework for the consideration of applications for street trading consents and to create a street trading environment which is sensitive to the needs of the public, provides diversity and consumer choice, and enhances the character, ambience and safety of local environments.

The application conflicts with the provisions of the following street trading policy objectives –

1. Prevention of Public Nuisance - Consideration will be given to measures taken to reduce the risk of nuisance from noise, refuse, vermin, fumes and smells.

The takeaway hot food static trailer is inappropriately located in a predominantly residential area and area of open space and away from a designated centre. Resultantly, by virtue of its character, nature, its evening and late night activity and its associated illumination it would give rise to unacceptable environmental conditions which would harm the residential amenity of neighbouring residents by virtue of noise, fumes, smell, and light pollution.

2. Suitability of Trading Unit - The vehicle, trailer or stall to be used will be of a high quality design/ build and will add to the quality of the street scene. The unit will be inspected by an authorised officer of Bristol City Council prior to any consent or licence being issued.

The takeaway hot food static trailer, by virtue of its character, nature, appearance, its evening and late night activity and its illumination fails to preserve the character, appearance and distinctiveness of the local context which comprises predominantly low density residential accommodation set back from the natural grassland and open space of Highridge Common, which is a designated Site of Nature Conservation Interest, and part of statutory Green Belt and the Bishopsworth and Malago Conservation Area.

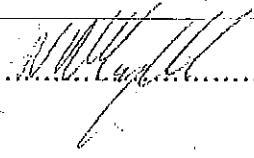
Please be advised that not only is the application unacceptable due to conflict with the two street trading policy objectives above it is also unlawful in planning terms.

The static trailer van is deemed to be a material development and a change of use to the land to Use Class A5. The development does not benefit from permitted development rights and has been installed without the necessary planning consent.

As such the Local Planning Authority is in the process of serving a Planning Enforcement Notice requiring:-

"Cease the activity of A5 hot food take-away use and remove the static trailer van from land at 189 Highridge Green, Bishopsworth, Bristol."

Conclusion – The Local Planning Authority would respectfully advise that the license should not be granted.

Signed - Nick McCamphill  11.6.14

APPENDIX I

Cox Bros Ltd
189 Highridge Green
Bishopsworth
Bristol
BS13 8AA

10 June 2014

Bristol City Council
Licensing Team
Princess House
Princess Street
Bedminster
Bristol
BS13 4AG



Dear Sir/Madam

RE: STREET TRADING CONSENT – GEORGES SNACKS – FORECOURT OF 189 HIGHRIDGE GREEN, BRISTOL, BS13 8AA – REF: 14/00759/STCON.

Further to your letter dated 28 May 2014, concerning the above, I feel it necessary to respond regarding the abhorrent and unjust treatment by Bristol City Council and Mr and Mrs Bennett of Mr Yener Olgun.

We were first contacted by Bristol City Council by letter dated 15 August 2013, to which I responded by letter (copy enclosed); however, I did not receive a response/reply. We then received a second letter from Bristol City Council, dated 24 October 2013, whereby I contacted Mr Dan Jefferies by telephone. He informed me that there was just one complainant, and I informed him that we knew who this was. We arranged to meet on Thursday 12 December at 3:30. Unfortunately Mr Jefferies is unable to attend so a colleague of his met with Mr Olgun and myself instead. We discussed the situation at great length and the course of action decided upon was that I would keep a diary for 10 days, whereby I would record the weather conditions and whether any smells emitting from Georges Snack Van could be smelt in the location of the Bennett's property. This I duly did and returned my diary by email to Mr Jefferies, upon receiving my diary Mr Jefferies left a message on my answer machine saying that no further complaints had been received and, therefore, to carry on as usual. I think it prudent to point out that the Environmental Protection Team representative commented that the Bennett's property was far enough away for any impact upon them to be minimal. During this meeting we asked for any recommendations that could be made for the purchase of equipment in order to reduce any cooking odours which were being emitted. Unfortunately the Environmental Protection Team representative was unable to make any recommendations.

The next letter dated 21 December 2013 asked Mr Olgun to attend a Public Safety and Protection Committee on 7 January 2014 at 12:30. Mr Olgun attended said meeting with Tim Hurst (friend and customer) and myself. Unfortunately we were not seen at 12:30 and experienced a very long delay which resulted in Mr Olgun not being able to open his business on that evening. Unfortunately this

meeting was brought to a premature end when it became apparent that Bristol City Council had taken revenue from Mr Olgun but had omitted to furnish him with the appropriate paperwork, upon which the solicitor in attendance informed the Committee that this needed to be rectified immediately and for Mr Olgun to attend another Committee meeting in March 2014. It should also be noted that due to illness a Council Representative was unable to attend and, therefore, someone without knowledge of the situation had to stand in. The Committee also felt that someone from the Environmental Protection Team should also have been present, they were not. In fairness to the Committee Panel they were incredibly professional and apologised profusely for the time wasted on this occasion.

The next letter received was dated 11 February 2014 which included documentation sent between Bristol City Council and Mr and Mrs Bennett.

I have to say that the tone of the Bennett's correspondence is incredibly confrontational and, at times, a complete fabrication in order, I assume, to achieve what they want (I refer again to my letter dated 29 August 2013). Indeed in Mrs Bennett's letter dated 23 October 2013 she states that when she suggested moving the snack van that I was abusive, in fact I said this was not possible due to the location of the electrics for the snack van. It has nothing to do with any smells being emitted into our garden or my parent's property.

I note in this piece of correspondence that contacting Bristol Mediation was suggested, however, I don't see how you can mediate with someone who has never been prepared to give Mr Olgun a chance in the first place.

Mrs Bennett also states that her neighbours at (blank) and (blank) also share these views. I would like it noted that if Mrs Bennett, in this statement, is referring to the residents of 181 Highridge Green then she is severely mistaken. My husband and I were approached by one of the daughters who reside at this property who informed us that they do not have any issues with Mr Olgun's business. She also informed us that Mrs Bennett had, on occasion, waited for her elderly mother to be home alone and then tried to intimidate her into signing a letter asking for Mr Olgun's removal. The mother told Mrs Bennett that she had no issue with Mr Olgun and that she did not want to get involved. Mrs Bennett returned later to 181 Highridge Green, when the mother was out, and insisted that she had agreed to sign a letter, prepared by Mrs Bennett, upon which the daughter refused to sign which led to Mrs Bennett becoming rather cross. The same daughter also said that her sister, who arrives home from work at 10:00pm-10:30pm, is very grateful for Mr Olgun's presence as she feels much safer knowing he is there.

Like Mr and Mrs Bennett our day also starts early and our bedroom window is consistently open, even during the winter months, and we have never been disturbed by Mr Olgun clearing up. As for Mrs Bennett's comment concerning people talking at 10:15/10:30 at night I find this ludicrous, believe me there is far worse behaviour that goes on in the immediate vicinity far later than 10:30pm.

Mrs Bennett also stated that Avon and Somerset Police objected to this outlet. This is a complete fabrication which was confirmed at the PSP Committee meeting on Tuesday 7 January 2014. Mrs Bennett also made reference to drug use on the pavement outside her house, what has this got to do with Mr Olgun and his business? Indeed the first we knew of this drug issue came from Mrs Bennett when she was confrontational towards my husband (see my letter dated 29 August 2013). She also stated on that occasion that once the sale of her in-laws property (177 Highridge Green) had completed her husband would then make a big fuss about this alleged drug issue.

As for her comment asking for "Bristol City Councils policy on providing a food outlet that has no nutritional value whatsoever and is clearly promoting a non-healthy lifestyle", again this is ludicrous and incredibly judgemental, after all who is Mrs Bennett to comment upon what people eat?

In correspondence from Mr Bennett dated 17 December 2013 it states that Mr Olgun frequently opens early, again this is a complete fabrication and I understand has been investigated and found to be so.

Again Mr Bennett's letter concerning traffic and noise was also found to be unsubstantiated. Indeed the Bennett's are the ones without enough parking and at times feel they have the right to block our driveway whilst they move cars around. As the issue of parking has been mentioned, perhaps the Council would like to ask Mr Bennett why he thought it acceptable for his sister-in-law to park on our forecourt, which is private property, and when asked by my husband to remove the vehicle he lied and said it was nothing to do with them. Also the residents at 181 Highridge Green have been subjected to rather aggressive behaviour from Mrs Bennett concerning the Bennett's parking outside the double gates of 181 Highridge Green. Perhaps this is why the Bennett's habitually park on the common land outside their property (photographs enclosed) even though this is prohibited. Perhaps the council would be kind enough to let me know why they have not enforced what it says on their signage.

An email dated 10 February 2014 from Carol Donovan who had visited the snack van several times and "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." Ms Donovan also states "the food area is clean, tidy and organised. The waste is safely and legally disposed of."

On the 11 March 2014 Mr Olgun and I attended another PSP committee. At the start of this meeting Mr Carl Knights stated that the only issue was the one of odour and not parking, rubbish or anti social behaviour, as this had all been investigated and found to be unsubstantiated. However, the alleged parking, rubbish and anti social behaviour was discussed at great length whereby I explained that the forecourt is more than ample to deal with the volume of customer parking (please see attached photographs), that to the best of my knowledge there is no rubbish, in fact the forecourt is cleaner and tidier than it has ever been. It was explained that the majority of Mr Olgun's customers place telephone orders, come and collect their order and then take it away, either on foot or by vehicle, to eat at home. Indeed it is apparent that Mr Olgun's customers respect him a great deal and, therefore, would not do anything to jeopardise Mr Olgun's business. As for anti-social behaviour I have never witnessed any such behaviour in all the time Mr Olgun has occupied our forecourt. Once again I have to say that before Mr Olgun was on site we did suffer with all of the above but that by Mr Olgun being here all the negative behaviour has ceased.

During this meeting it was explained that a commercial strength fan and filter was being fitted in the hope that it would greatly reduce any odour, which we feel has been accomplished. I have to say that as I live at 183 Highridge Green, the property and garden closest to Mr Olgun's business, I do not experience any odour within my home even with the back door and windows downstairs and upstairs open. Also living in such close proximity to Mr Olgun's business any negative behaviour of any kind would not be tolerated, especially as I have a 10 year old son to consider.

A letter dated 13 May 2014 was received from Nick McCamphill, Planning Enforcement Team, which informed us that a complaint had been received. In said letter it refers to Georges Five Star Fast Food as a "commercial food and drink development". I do not think that a snack van that

measures approximately 12ft x 7ft constitutes a "development". Also to say that it is "visually jarring" is a huge exaggeration considering it is on the forecourt of commercial premises and faces down said forecourt. I do not understand how Mr Olgun's business "causes harm to residential amenity". Indeed Mr Olgun is a local amenity, providing a much sought after service to the local community, after all if this was not the case Mr Olgun would have gone out of business. Another issue I have with Mr McCamphill's letter is that when Mr Olgun applied for a Street Trading Consent, according to Bristol City Council's website, Area Planning would have been informed and "a period of fourteen days is allowed for comments to be received".

Mr McCamphill also states in his letter that "This would have required planning consent, however according to our records no consent exists". This then raises the question as to why no records exist either there were no comments (though a record should still exist), therefore, consent should have been granted or someone within planning omitted to lodge any planning comments at the time, resulting in Mr Olgun being granted a Street Trading Consent. I would be very interested to know if there were no comments or if someone failed to do their job properly.

It is also stated in the Report of the Director of Neighbourhoods referring to Highridge Green that:-

"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."

I also feel that when the South Bristol Link Road is constructed, considering the detrimental affect that this will have on the immediate vicinity, I do not think that a 12ft x 7ft snack van is really the villain of the area. Indeed upon speaking to Steve Riley, Bristol City Council, SBL Project Team, on Friday 6 June, even though as he stated there is nothing he can do as it is not his department (this seems to be Bristol City Council's catchphrase) he appeared very perplexed as to why such a fuss was being made about Mr Olgun's business considering all the proposed highway works. Mr Riley was also fortunate enough to experience for himself how some of the local residents drive in the area, especially one who was travelling at great speed so that when he turned into the junction of Highridge Green he lost control and ended up on the Common before regaining control of his vehicle. As I explained this is an everyday occurrence, in fact several occasions per day and night.

Obviously we are very aware that this is a Conservation Area, however, I feel that the same cannot be said of other residents of the local area. I think it fair to say that the following people do not care about the local area:-

The people who come from Four Acres and ride their extremely loud and dangerous motorbikes on the common resulting in the common being churned up.

Or the people who test drive the ability of their 4x4 vehicles on the common.

Or the people who allow their dog(s) to foul the common but do not clear up after their dog(s).

Or the people who insist on having their domestic arguments in public, usually with very colourful language.

Or the people who let off flares on the common at 3:00am.

Or the people who have sexual intercourse on the common.

Or the people who sit in their cars at the top of the common smoking their drugs and shouting abuse.

Or the people who come from Four Acres to deal drugs.

Whilst I have witnessed all of the above more times than I can recall, not once have I witnessed any of the people mentioned above carrying out the aforementioned behaviour either before or after visiting Mr Olgun's business.

I note in the council's letter dated 28 May 2014, that it is alleged that a customer was witnessed to be urinating on Highridge Common. Indeed this is something that I have witnessed in the past; however, it was not from one of Mr Olgun's customers.

In conclusion I feel that Bristol City Council have operated in a somewhat furtive nature with regard to Mr Olgun. It seems that a lot of investigation has been carried out without Mr Olgun being aware, even though it affects Mr Olgun the most. I would have welcomed a visit from Bristol City Council to my home to investigate the odour, as I have stated in the past. Whilst composing this letter I have been sat in my conservatory with the door open and I have smelt people's cooking, ranging from bacon to deep fat fryers, and not for the first time either. Surely it is obvious that local residents have such appliances as deep fat fryers and when these are in use they no doubt have their windows and doors open and extractor fans in operation to dilute the odour in their own homes, however, it is then transferred into the open.

The treatment of Mr Olgun has been abysmal by Bristol City Council and Mr and Mrs Bennett have never given Mr Olgun a chance to run his business, they have Mr Olgun constantly under their "microscope" and as is obvious from their correspondence have lied about what actually happens here. Our business will continue regardless, however, all we wanted to do was give another business a chance and our support. Mr Olgun only wanted to trade from this site for a maximum of five years, upon which he would have moved to shop premises, however, this has been tainted by Bristol City Council on one hand giving Mr Olgun permission to trade and then Bristol City Council wanting to take it away with the other hand, and all the while indulging two residents who have never given Mr Olgun a fair crack of the whip.

Should you wish to furnish Mr and Mrs Bennett with my letter please feel free to do so, with or without redaction.

I look forward to hearing from you with the time and date of the PSP Committee. Mr Olgun as requested that at this PSP Committee he would appreciate an interpreter to be present.

Yours faithfully



Charlotte Johns
Cox Bros Ltd

File copy.

29 August 2013

Mr D Jefferies
Environmental Protection Team
Bristol City Council
Brunel House
St George's Road
Bristol
BS1 5UY

Dear Mr Jefferies

RE: ALLEGED COOKING SMELLS FROM GEORGES FIVE STAR FAST FOOD AT 189 HIGHRIDGE GREEN, BRISTOL, BS13 8AA.

We would like to begin by introducing ourselves. We are Steve and Charlotte Johns and we run Cox Bros Ltd, and upon receiving your letter dated 15 August 2013 we feel it prudent to respond on behalf of ourselves and Mr Olgun, as follows. We should also point out that Mr Olgun, the owner of Georges Five Star Fast Food is away until week commencing 2 September 2013.

We are aware that Mrs M Bennett of 179 Highridge Green is the complainant with regards to the above, however, it is only fair that we inform you as to the issues we have had with Mrs Bennett.

When Mr Olgun was granted permission to trade from our forecourt, but had not physically moved onto site, one evening Mrs Bennett came to our front door and proceeded to be extremely confrontational with regards to the impending arrival of Georges Five Star Fast Food. So much so that she went off on a tangent and was ranting about the proposed South Bristol Link Road as if that was our fault! Months later when she apparently discovered a discarded takeaway coffee cup in her garden she was aggressive towards Mr Olgun, accusing him of it being thrown away by one of his customers. Fortunately Mr Olgun was able to inform her that he did not use this type of cup (as he does not serve hot drinks). Mr Olgun received no apology from Mrs Bennett.

On Friday 2 August (early evening) Mrs Bennett was once again confrontational towards Steve Johns, this time concerning the alleged smell. As Steve could not smell anything she then demanded to see me. I went along to Mrs Bennett's property upon which she said "Can you smell that?" Once I had established what Mrs Bennett was alluding to I told her that I could faintly smell something, however, with all the

barbeques (as it was a nice evening) and the muck spreading wafting down from Dundry it was difficult to pinpoint where any smells were emitting from. Unfortunately the conversation degenerated into a row when I asked Mrs Bennett why she was so against Mr Olgun, as he is just a man trying to make an honest living and why she couldn't be a more live and let live person. After all none of us lead blameless lives, including Mrs Bennett and her family, as they habitually park on the Common Land outside their house (Bristol Parks Department has been informed of this) and allow their dog to foul Highridge Common and do not clear up after it. In the end I told her "I was done" and walked away. Hence her contacting Bristol City Council.

We know that Mrs Bennett is utterly opposed to Mr Olgun, and has never given him a chance. She is over sensitive to anything Mr Olgun does, and welcomes (no matter how insignificant) any reason to cause trouble. Indeed it strikes us as strange that Mr Olgun has been trading here for nearly a year and yet Mrs Bennett has only recently thought to complain about alleged smells. Perhaps this is due to the prevailing wind that blows away from Mrs Bennett's property.

On a much more positive note we also feel it prudent to advise you as to the benefits of Mr Olgun trading from our forecourt. Since Mr Olgun started trading we no longer experience habitual antisocial behaviour in the form of teenagers sitting on our garden wall, and at times causing damage. People parking on our forecourt and leaving their rubbish behind. Said people are also, at times, very noisy, use bad language and have no regard to the surrounding residents. The drug dealing from our forecourt has also ceased, as have the fly tippers. By Mr Olgun being here he is providing a very much in demand product, is extremely well liked and respected by his customers and brings, not only for us but all surrounding residents, extra needed security that his presence alone affords. Mr Olgun keeps the forecourt and surrounding area impeccably clean and tidy, so much more so than it was before his arrival.

On several occasions our neighbours and customers have visited us at our business and stated how much better the area is now that Mr Olgun is here. This includes people who were opposed to Mr Olgun being here initially, but have now had a complete change of heart. This also extends to people that we have met upon walking our dog on Highridge Common when we have had conversations with people who have not known that Cox Bros Ltd is our business. Mr Olgun has had nothing but a positive effect since being here, there has never been any trouble or antisocial behaviour from any of his customers, and we should know as we live at 183 Highridge Green which is directly next door to Mr Olgun's business and we would not have tolerated any problems.

We are very saddened having to write this letter, however, can ensure you that upon Mr Olgun's return we shall discuss the matter with him, and if there are any grounds for concern regarding the aforementioned, we shall endeavour to resolve any issues.

In the meantime should you wish to discuss this issue any further, please do not hesitate to contact us.

Yours sincerely

Steve Johns

Charlotte Johns









Highridge Common

No Unauthorised Parking
Wheel Clamping & Tow
Away in Operation

Clamp Release Fee: £100.00

Tow Away Release Fee: £150.00

This service is operated by Bristol Security Group
Freephone: 0800 074 1855



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