

## **AGENDA ITEM NO.8**

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

**Application for the Grant of Street Trading Consent at Maurice Road at the Junction with Norfolk Avenue and outside St Andrews Park, Bristol**

**Applicant: Mr Kevin Drake**

**Proposed trading name: Ice Cream**

Report of the Service Manager – Regulatory Services

#### **Purpose of Report**

To determine an application for the grant of a Street Trading Consent at the following location: Maurice Road at the Junction with Norfolk Avenue and outside St Andrews Park, Bristol

#### **Background**

1. With effect from 1 May 2009 the above location is designated as a consent street for the purpose of street trading legislation. Any street trading at that location other than under a street trading consent issued by the Council would constitute a criminal offence.
2. General conditions which would be attached to a licence/consent if granted are at Appendix A
3. On 19 August 2014 Mr Kevin Drake applied for a street trading consent which, if granted, would enable the applicant to trade lawfully at the above location. The applicant has applied to sell the following goods:

Ice Cream, Slush Puppies, Lollies, Water

During the hours of 11.00 – 19.00

From Monday to Sunday between April and September

4. The applicant currently holds a consent at this location for holiday periods only (school holidays and bank holidays etc) between the hours of 11.00 and 18.00 Monday to Sunday. This application was heard before the Public Safety and Protection Committee on 7 January 2014 and the minutes of that meeting are attached at Appendix B.
5. Photographs of the unit and the proposed trading site are attached at Appendix C and a site location plan at Appendix D.

## **Consultation**

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

Local Residents

Local businesses

Bristol City Council – Highways officer

Bristol City Council – Planning Team

Bristol City Council – Food Safety Team

Bristol City Council – Pollution Control Team

Bristol City Council – Councillor

Avon and Somerset Police

## **7. Consultation Responses**

The following responses have been received.

Appendix E - Residents and businesses

One of these responses, marked as 'L' was received outside of the consultation period, but has been included for consideration.

8. Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982 deals with street trading consents. Subject to certain exemptions that do not apply to this application, Paragraph 7 enables the council to grant a licence if they think fit. The council may attach such conditions as they consider necessary, which

may include among other things conditions to prevent obstruction of the street or danger to persons using it, nuisance or annoyance etc. Consent may include permission for its holder to trade in a consent street from to trade from a stationery van, car, barrow or other vehicle, or from a portable stall. Unless such permission is included the act prohibits a consent holder trading from a van or other vehicle or from a stall, barrow or cart.

If such a permission is included then the council may include conditions

(a) as to where the holder of the street trading consent may trade by virtue of the permission; and

(b) as to the times between which or periods for which he may so trade.

A street trading consent may be granted for any period not exceeding 12 months but may be revoked at any time. The holder of a street trading consent may at any time surrender his consent to the council and it shall then cease to be valid.

9. The Council's Street Trading Policy states a number of factors will be considered when determining an application including commercial need. Members will note the Star Fish Bar, 88 Bedminster Road is opposite the proposed trading site. This premises sells a selection of hot food, including kebabs.
10. Mr Kevin Drake has been provided with a copy of the report and has been invited to the meeting.

**RECOMMENDED      The committee is asked to refuse the application**

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

**Contact Officer:**      Ms A Holman, Senior Licensing Officer

**Ext:**                      Telephone 01179 142500

**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.

## **PSP**

### **103.1/14 APPLICATION FOR THE GRANT OF A STREET TRADING CONSENT OPPOSITE 13 MAURICE ROAD, BRISTOL BS6 5BZ**

**APPLICANT: KEVIN DRAKE (KD)**

**PROPOSED TRADING NAME: ICE CREAM**

The Sub-Committee considered a report of the Director of Neighbourhoods (Agenda Item No. 11) determining an application for the grant of a Street Trading Consent.

KD was in attendance.

The Chair explained the procedure that would be followed and everyone introduced themselves.

The Licensing Officer introduced the report and summarised it for everyone.

KD put his case and answered questions highlighting the following:

- He tabled a letter in support of his application; a copy of the letter is contained in the Minute Book
- He does not have to use the chimes
- He was advised he was required to apply for a licence (Consent)

The Licensing Officer confirmed that this application is being treated as a Consent for a stationery unit.

All parties and the representatives of the Director of Neighbourhoods and City Development left the room. Details of the Committee's findings and reasons for the decision are set out in Appendix 5.

All parties and the representatives of the Director of Neighbourhoods and City Development returned to the room to hear the decision of the Committee.

**RESOLVED - that the application for the grant of a Street Trading Consent Opposite 13 Maurice Road, Bristol BS6 5BZ between the hours 11.00 to 18.00 on Mondays to Sundays be granted to Kevin Drake, subject to the General Conditions attached to the Report at Appendix A and the chimes being used only twice per day, and sounding for a maximum of 30 seconds on each occasion.**

**Appendix 5  
BRISTOL CITY COUNCIL  
MINUTES OF MEETING OF THE PUBLIC SAFETY AND  
PROTECTION SUB-COMMITTEE A  
HELD ON 7<sup>th</sup> JANUARY 2014 AT 10.00 AM  
PSP 103.1/14 Agenda Item No. 11**

**Agenda title**

**APPLICATION FOR THE GRANT OF A STREET TRADING  
CONSENT  
OPPOSITE 13 MAURICE ROAD, BRISTOL BS6 5BZ  
APPLICANT: KEVIN DRAKE  
PROPOSED TRADING NAME: ICE CREAM**

**Decision**

That that the application for the grant of a Street Trading Consent Opposite 13 Maurice Road, Bristol BS6 5BZ between the hours 11.00 to 18.00 on Mondays to Sundays be granted to Kevin Drake, subject to the General Conditions attached to the Report at Appendix A and the chimes being used only twice per day, and sounding for a maximum of 30 seconds on each occasion.

**Reasons for Decision**

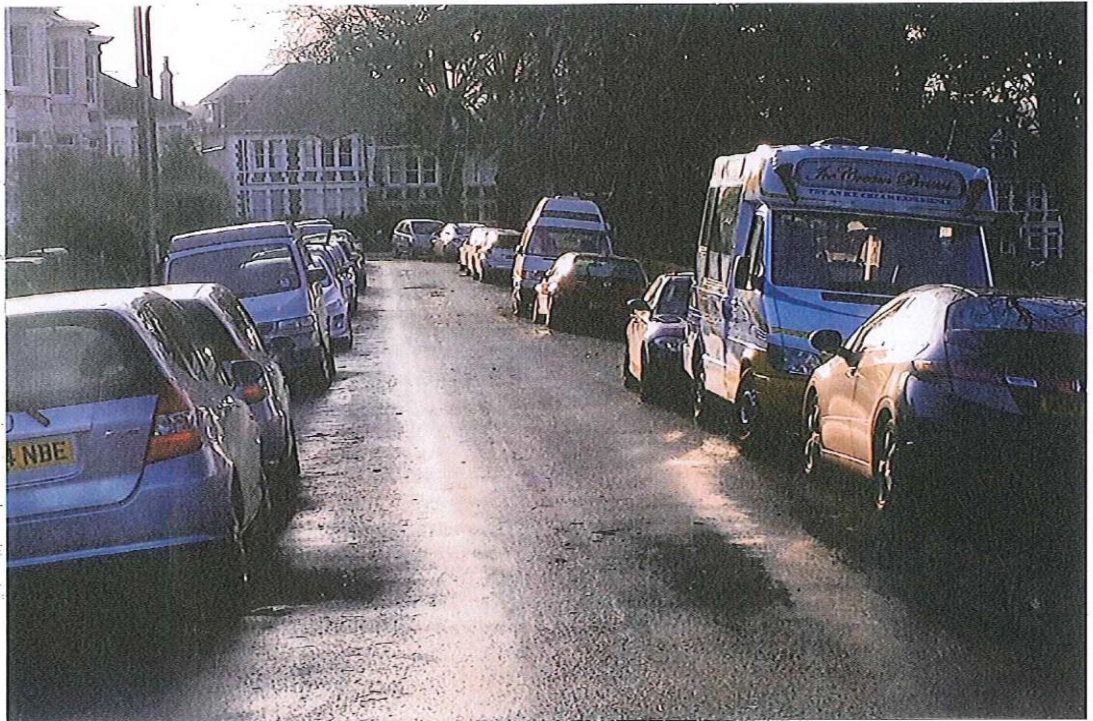
Members considered very carefully all of the written and verbal evidence presented to them.

Members noted the contents of the letter submitted by the applicant.

Members considered that the presence of the unit in the location proposed is unlikely to cause an adverse impact.

They therefore agreed to the application for the Consent subject to the General Conditions plus the Condition relating to the use of the chimes.

**Chair's Signature**



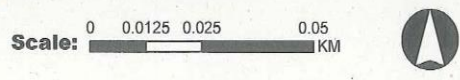




# Bristol City Council



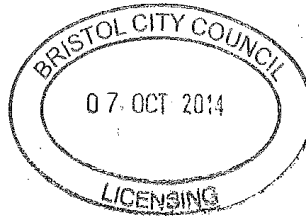
Ice Cream



01/10/2014

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A



4 Oct 2014

Dear Sir/Ms

Validated	DATE 7-10-14	Init
Approved	4.11.14	CB
Cancelled	4.11.14	CB

Re: License Application Ref. no: 14/03449/ST/CON

I would like to strongly object to the proposal to allow a street trading license 7 Days a week from 11am to 19.00pm in our quite residential street.

I do not want a Van parked outside and the noise [noise] from a running engine, or from selling customers that that can leave outside.

(A)

ie the noise pollution that I would likely have  
to suffer unnecessarily, as well as the  
obstruction of the lovely park view.

I also object to any possible fumes from  
the Van's engines, if they have to run it to  
possibly keep the ice cream cold?

Please can you take my comments into  
consideration. I am a Resident.

Thank you very much.

Yours faithfully

October 2014

The Licencing Office  
Princess House  
Princess Street  
Bedminster  
BRISTOL  
BS3 4AG



Bristol City Council		
Validated	Date	Init
	10.10.14	CL
Recorded	4.11.14	CL
Canceled	4.11.14	CL

Sir

We the residence living in the \_\_\_\_\_ s. We do object to this application numbered 14/03449/STCON for the sale of ice creams. This is the second application the first being turned down.

They took no notice of that refusal and will no doubt take no notice of this one is refused as they make a lot of money.

Our objection is on the basis that it is both noisy and polluting. The ice cream van runs the diesel engine all day even when not selling ice cream.

Why are they allowed to do this when the health hazards of diesel emissions are well know,, this affects the residents and the children playing in the park.

Your faithfully

I

Initiated	Date	Init
Recorded		



**Sarah Flower**

**From:**  
**Sent:** 19 October 2014 15:40  
**To:** DET&L Licensing  
**Subject:** Application ref: 14/03449/STCON - Ice cream van endangering children's lives

Dear Sir or Madam:

I was shocked to receive your letter of 01/10/14 and which included a copy of the application for street trading consent for an ice cream van in Maurice Road, next to an entrance to St. Andrews Park.

I was shocked because this threatens to legalize and prolong a mortally dangerous situation for children especially, but also for adults. I know, it sounds innocent enough, an ice cream van, parked outside a park, but last summer I saw it very nearly kill one child and I am told there were other near misses.

Where the ice cream van parks is directly opposite the narrow and very heavily used pedestrian entrance, and one from where nearly all of the pedestrians immediately cross the street. When the ice cream van is parked there, both children and adults can only see in one direction when crossing the street. Worse, because the ice cream van runs its diesel engine continuously, it is impossible for pedestrians to hear approaching cars and vans. Worse still, the street in the summer has a lot of traffic in the afternoon, especially late afternoon and early evening when it is now used by commuters, travelling at speed, as a rat-run.

It is not enough to turn down this application. Something must also be done to stop ice cream vans without a licence from this endangerment of human lives, especially those of children. Do you have any ideas as to what can be done?

Validated	Date	Init
Recorded		

**Christine Feltham**

**From:** Christine Feltham  
**Sent:** 05 October 2014 12:38  
**To:** DET&L Licensing  
**Subject:** Re Application ref number 14/03449/STCON

I am replying as a resident to this street trading application. I do have concerns about aspects of this application and feel I cannot support it. I have seen this van on numerous occasions over the summer. Eight hours a day all week is an unreasonable imposition on the residents of Maurice Rd, especially those close by. The van will have to have the engine running and is noisy. I use the park every day and the noise and fumes are very noticeable. Diesel fumes are well known to be polluting and to have them for 8 hours a day presents a health hazard to those living close by.

The proposed position of the van means it is close by the bottom corner of the dog-free area below the paddling pool. This spot has become very popular with families using the pool and having picnics and birthday parties etc. and so are there for several hours with small children who will be exposed to the fumes and diesel particles.

The other concern is that the entrance to the park there is a busy one with many people using it to cross over. I find that the van does obstruct the sight lines when checking for traffic going up and down Maurice Rd.

Buying ice creams is popular especially on warm summer days but the Tea Garden in the middle of the park does have a freezer and sells ice creams and lollies.

Yours sincerely,

(E)

Street Trading Consent		
Validated	Date 5.10.14	Init. CS
Recorded	4.11.14	CS
	6.11.14	CS

**Christine Feltham**

**From:**  
**Sent:** 05 October 2014 14:54  
**To:** DET&L Licensing  
**Cc:**  
**Subject:** Application ref: 14/03449/STCON - Ice cream van adjacent to St. Andrews Park, BS6

Dear Sir or Madam:

I have received your letter dated 01/10/14 and a copy of the application for renewal of the street trading consent for an ice cream van in Maurice Road, adjacent to St. Andrews Park.

I am replying as a local resident of the ice cream van.

My wife and I wish to **object most strongly** to this application on the following grounds :-

- The driver of the van keep the engine running at all times; causing unnecessary air and noise pollution adjacent to where young children play.
- The van is wider than an average car and at busy times in the summer [which is on most week-ends from May – September] causes an unnecessary and potentially dangerous obstruction to cars trying to park or to negotiate the junction with Norfolk Avenue.
- The location of the van close to a busy junction creates a potential danger to young children and families who are crossing the road at that point.

I hope that you will take note of our views and those of other local residents where considering this application.

Yours faithfully:



(F)

dated	Date 5.10.14	Init	CB
recorded	4.11.14		CB
	1.11.14		CB

**Christine Feltham**

**From:** 05 October 2014 16:10  
**Sent:** DET&L Licensing  
**To:**  
**Subject:** Application ref: 14/03449/STCON - Ice cream van adjacent to St. Andrews Park, BS6

Dear Sir or Madam;

I have received your letter dated 01/10/14 and a copy of the application for street trading consent for an ice cream van in Maurice Road, adjacent to St. Andrews Park.

I am replying as a local resident of the ice cream van.

**I object most strongly** to this application on the following grounds :-

- The driver of the van has parked in this location every sunny day this entire summer, in flagrant breach of the 20-minute limit that an ice-cream van without a pitch, is supposed to stay in any one location. He (and his wife) keep their noisy diesel engines running continuously, sometimes for up to ten hours a day, causing unnecessary air and noise pollution adjacent to a park where young children play and where others come to relax and enjoy nature. St Andrews Park currently has Green Flag status – and it would seem an utter contradiction to grant a licence to someone causing so much noise and air pollution
- The vans are wider and much higher than an average car and at busy times in the summer [which is on most week-ends from May – September] completely block the view of anyone trying to exit the park and cross Maurice Road to reach their car. You cannot see beyond the van and are therefore quite likely to step into the path of an oncoming car. I have almost done so myself several times and have also seen parents scream at their children and yank them back from the edge of the van to stop them getting run over
- The location of the van close to a busy junction creates a traffic hazard to cars trying to park or to negotiate the junction with Norfolk Avenue. In summer Maurice Road gets completely log-jammed with cars of people visiting the park. Drivers often cannot negotiate the turn from Norfolk Avenue to Maurice Road because of the width of the van
- Those wanting refreshments are already well-served by the lovely cafe in the park which serves a large selection of ice-creams. This van takes business away from the cafe, so undermining its economic viability. The cafe is there day in, day out, even when it's not sunny, providing a fantastic service to the local community and to visitors from all over Bristol

I sincerely hope that you will take my views and those of other local residents into account when assessing this application.

Yours sincerely

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Validated	Date 5/10/14	Init [Signature]
Recorded	4.11.14	[Signature]
Checked	4.11.14	[Signature]

**Christine Feltham**

**From:** [Redacted]  
**Sent:** 05 October 2014 12:15  
**To:** DET&L Licensing  
**Subject:** Application for street trading consent

Ref. Application no. 14/03449/STCON

With reference to the above application, we would like to make the following comments:

1. The ice cream van has traded without consent from the position indicated on your plan on numerous occasions this year and in previous years.  
It is therefore possible to write about its effects from first hand experience.
2. The environmental effects are wholly negative. The van emits diesel fumes all the time it is parked and the noise of the engine can be heard from some distance away.  
It is impossible for people entering the park at the nearby busy entrance (not marked on your plan, by the way) to avoid the fumes or the noise.
3. It would seem to be incompatible with Bristol's imminent Green City status to allow avoidable pollution of this sort next to a well kept healthy green facility such as St. Andrews Park.
4. There are potential health risks from the constant fume pollution to elderly people, asthma sufferers and the families and young children who congregate in large numbers in fine weather to enjoy the nearby paddling pool.
5. From a Safety point of view there are considerable risks in allowing a vehicle to attract customers, mostly with young children, situated near busy Park entrance, alongside a narrow pavement and on a narrow residential road lined with cars bumper to bumper on both sides in fine weather.
6. There is already a popular, well used catering facility within the park offering a far wider choice of refreshments and snacks, functioning without any of the above mentioned environmental and Health & Safety concerns.

We would be grateful if you would take into account the issues raised above when considering the application.

44

Validated	Date	Init
	8-10-14	CB
Recorded	11-11-14	CB
	11-11-14	CB

**Carl Knights**

**From:** 08 October 2014 11:06  
**Sent:** DET&L Licensing  
**To:**  
**Subject:** application 14/03449/STCON

Dear Sirs

Re: application ref. 14/03449/STCON – application for an ice-cream van outside St Andrews Park.

Thank you for inviting my comments.

I have strong objections to this application on general grounds, and on specific.

The general grounds are that ice-cream vans run their engines for long periods to provide power for their appliances. I do not believe that it is responsible or sustainable for any activity to be allowed which runs a large engine, designed to power a road vehicle, to provide battery charge.

The specific objection relates to the engine running in this particular site. It is right beside an entrance to the park. On still days a cloud of exhaust fumes/particulates builds up in the immediate vicinity of such vehicles. This means that people waiting at the van for their ice-creams have to breathe these fumes. It might be argued that this is by choice, but that is not an argument that I would accept as reasonable. However, people entering and leaving the park will also have to walk through this cloud of fumes.

I am quite happy to accept an ice-cream van in this position if it can be supplied with electricity, as the café trailer in the park is.

Best regards

date	Date	Init
cord		

**Christine Feltham**

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**From:** [Redacted]  
**Sent:** 16 October 2014 09:39  
**To:** DET&L Licensing  
**Cc:**  
**Subject:** Street Trading Consent Application 14/03449/STCON

**Application for Ice cream van outside ST Andrews Park in Maurice Road. Application no.. 14/03449/STCON**

We are local residents at [Redacted] We object to this application as it would create an eyesore in the road. It is a very pretty park which would be spoiled by commercial vehicles parked around it. It would also obscure the park for the residents living opposite the van's location. We recognise the benefits for some of the park's users, so we would re-consider this objection if it were for more limited times, say three hours a day.

Thank you for consulting us.

①

**Christine Feltham**

Validated	Date 8.10.14	Init Gb
Recorded	4.11.14	GB
	4.11.14	GB

**From:** 08 October 2014 17:48  
**Sent:** DET&L Licensing  
**To:**  
**Cc:**  
**Subject:** Street Trading Consent Application 14/03449/STCON

Dear Sir or Madam

Thank you for informing me of the above application.

I am responding as a local resident.

I object to this application on the following grounds.

- 1) There is already a mobile café running in the park which more than adequately meets the needs of people with children using the park.
- 2) The van that has parked at the marked position has caused a noise nuisance due to the running of the engine throughout the day.
- 3) The pavements are very narrow around the park and I have been obliged to walk around the van onto the road because of obstruction by people queuing.
- 4) Vans parked in this street reduce visibility for drivers-making it harder to see small children about to cross the road and I anticipate that there will be a tragic accident at some point.
- 5) The beauty of the park is often strained by large crowds and the thought of ice cream vans appearing almost permanently stationed around it's perimeter will only further detract from this essential green and tranquil space.
- 6) I have just retired and for me the presence of street vendors in my street will annoy me and adversely impact on my wellbeing. They will be entitled to be there 7 days a week throughout the day!
- 7) I anticipate that to grant this application will set a precedent, and presumably the next application will be for a kebab van to serve hot-food, with the consequent smell, rubbish and noise. I would see great merit in defining the streets around the park as 'Prohibited Streets' within the meaning of the Act.

Yours sincerely

(K)

Initiated	Date 04.10.14	Init	CL
Created	14.11.14		
	14.11.14		

**Christine Feltham**

**From:** [Redacted]  
**Sent:** 04 October 2014 18:08  
**To:** DET&L Licensing  
**Subject:** Licensing - Street Trading - Ice Cream (Outside St Andrews Park)

Dear Christine Feltham

I would like to object to this application in the strongest possible manner.

The site is [Redacted] and we have had an ice cream van there day in day out all over the summer. Most of the vans are extremely noisy and some very polluting also.

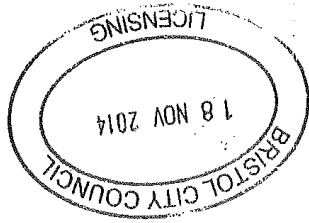
I don't know which van the current applicant runs but when it gets very hot just about all the vans that come there have their generator on almost all day.

It is extremely unfair to allow a van to stay there all the time. My evenings after work and weekends are ruined by the noise and of their engines/ generators and given that I live next to a park the air is often full of fumes.

The only fair way to deal with this is to ensure that the van engines/generators are quiet, that they do not pump out carbon monoxide and that they move frequently so that it is not just a few houses that have to put up with them for long periods. (it could be 8-10 hours in the summer).

Yours sincerely

[Redacted signature area]



④

APPLICATION REF NUMBER: 14/03449/ST/COO

SEAR LICENSING TEAM,

I AM RESPONDING TO THE ABOVE AS A RESIDENT THAT LIVES OPPOSITE THE PROPOSED SITE. I WANT TO OBJECT TO THE APPLICATION ON THE GROUNDS THAT IT MAKES CROSSING THE ROAD SLIGHTLY DANGEROUS BECAUSE IT OBSTRUCTS VIEW TO PEDESTRIANS AND OTHER VEHICLE USES AN ICE-CREAM VAN PARKED IN THIS SPOT. THERE IS ALSO THE NOISE POLLUTION FROM ICE-CREAM VANS WITH THEIR JUNGLES. I ALSO FEEL THAT THERE IS NO NEED FOR ANOTHER ICE-CREAM VENDOR AS THERE IS A CAFE IN THE PARK THAT SELLS THEM.

I HOPE YOU TAKE THESE COMMENTS ON BOARD

YOURS SINCERELY,