

## **AGENDA ITEM NO 9**

### **BRISTOL CITY COUNCIL PUBLIC SAFETY AND PROTECTION COMMITTEE 21 April 2015**

**Application for the Grant of Street Trading Consent at Car Park Area Of Medina Dairy, 77A Whitchurch Lane, Bishopsworth Bristol**

**Applicant: Mr Yener Olgun**

**Proposed trading name: George's Five Star Fast Food**

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: Car Park Area Of Medina Dairy, 77A Whitchurch Lane, Bishopsworth 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 23 December 2014 Mr Yener Olgun applied for a street trading consent which, if granted, would enable the applicant to trade lawfully at the above location. The applicant has applied to sell the following goods:

Hot food, i.e. burgers, kebabs, chicken kebabs, chips, drinks

During the hours of  
1600 and 2300 Sunday

1430 and 2330 Monday to Thursday  
1430 and 0030 Friday and Saturday

If Mr Olgun were granted a consent for the hours applied for he would also need a premises licence issued under the Licensing Act 2003. Mr Olgun would not lawfully be able to sell hot food after 2300 without the benefit of a premises licence.

4. Photographs of the unit and the proposed trading site are attached at Appendix B and a site location plan at Appendix C.
5. The land from which Mr Olgun wishes to trade is privately owned. Mr Olgun has supplied a letter from Medina Dairy Bristol Limited confirming that they own the land and permitting Mr Olgun to use the site for the purpose of street trading.

## 6. **Consultation**

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

Local Residents

Local businesses

Bristol City Council – Highways officer

Bristol City Council – Planning Team

Bristol City Council – Food Safety Team

Bristol City Council – Pollution Control Team

Bristol City Council – Councillor

Avon and Somerset Police

## 7. **Consultation Responses**

The following responses have been received.

Appendix D - Residents and businesses

One response was received after the representation end date. This response is listed at Appendix E.

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. Mr Yener Olgun 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.



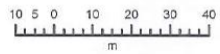
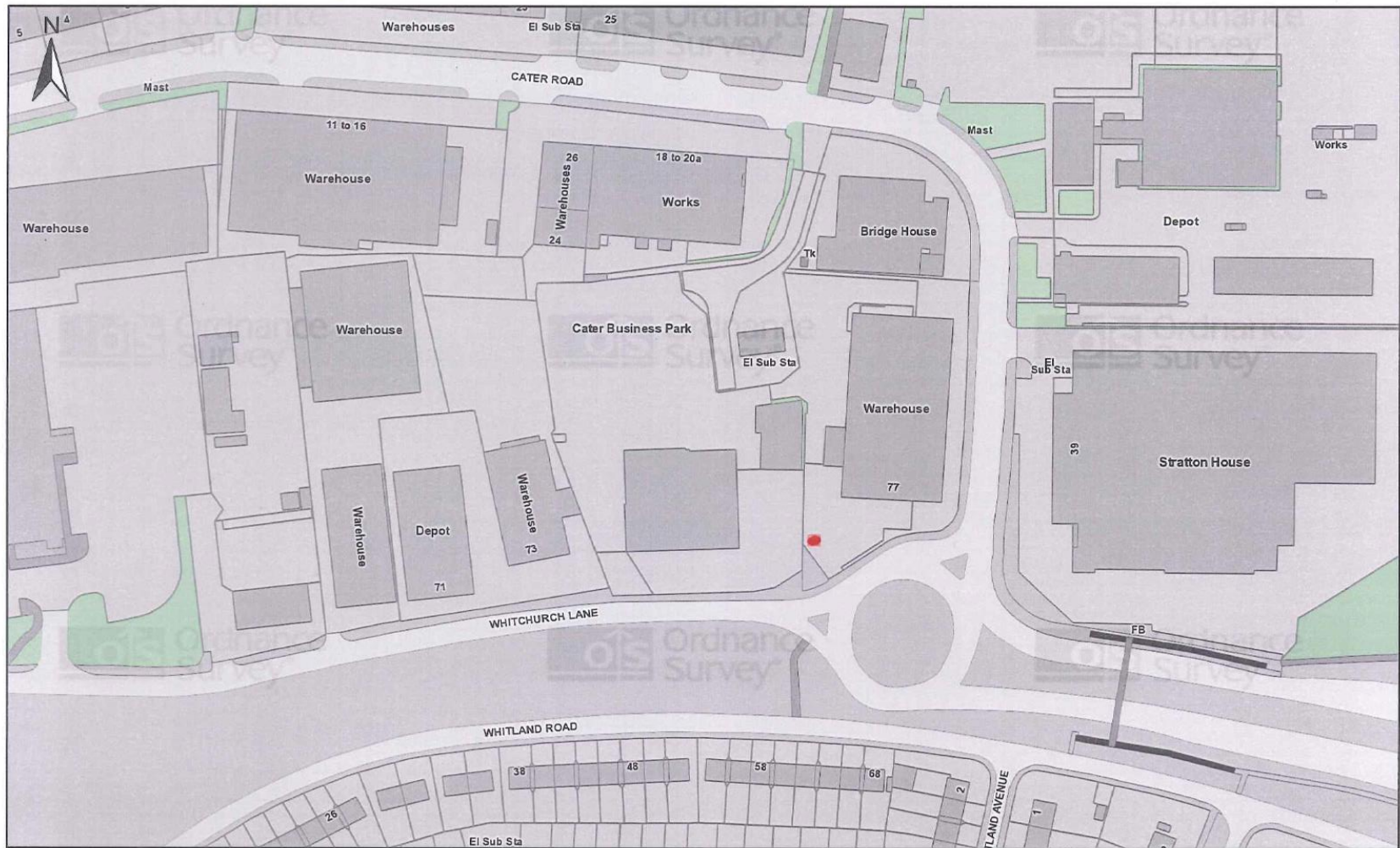






# George's Five Star Fast Food, 77a Whitchurch Lane

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## **STREET TRADING CONSENT INTERESTED PARTY REPRESENTATION**

**RECEIVED VIA EMAIL AT THE LICENSING OFFICE ON: 06 February 2015**

**RE: George's Five Star Fast Food, Car Park Area Of Medina Dairy, 77A  
Whitchurch Lane, Bishopsworth, Bristol BS13 7TE**

**FROM: Michael Knight, Cater Business Park Management Committee**

Thank you for advising me of the application made by George's Five Star Fast Food for a Street Traders Licence to operate from the car park of Medina Dairy.

The Management Committee of Cater Business Park has consistently opposed the granting of Traders Licences on Cater Business Park. We have on the Park a permanent Café that provides both seated meals and a take-away service and businesses on the Park wish to give every support to the Café particularly in difficult economic circumstances that exist today.

The situation is ill suited to such an operation from aspects of location, litter generation, furthermore this particular spot will shortly become a focal point to receive traffic from the new South Bristol Link both in a construction sense and an operational sense.

The Applicant should be encouraged to find another location away from the Park.

### **Further email received on 13 February 2015:**

Just to follow up, The Directors of Cater Business Park Traders Group Ltd, managers of the Cater Business Park BID2 Programme, strongly oppose the application, and I believe that you will have received communication from Mr John Boyce and the Café operators also opposing.

So, just following up my email 6th February, the Park opposition is in relation to:

Litter issues,

Potential parking issues to Cater Road.

Sited immediately off main roundabout where the new South Bristol Link Road will finish, highly unsatisfactory.

Raising of potential added security issues for the Business Park at night, on what now is a relatively quiet Business Park.

Sufficient fast food outlets already exist in the vicinity.

## **STREET TRADING CONSENT INTERESTED PARTY REPRESENTATION**

**RECEIVED VIA EMAIL AT THE LICENSING OFFICE ON: 26 January 2015**

**RE: George's Five Star Fast Food, Car Park Area Of Medina Dairy, 77A  
Whitchurch Lane, Bishopsworth, Bristol BS13 7TE**

**FROM: Sean & Kelley Hegarty, 4 Whitland Avenue, Bristol BS13 9QQ**

Further to your letter dated 22 January 2015 regarding the above street trading application for a mobile catering van to establish itself in the car park area of Medina Dairy, 77A Whitchurch Lane, Bishopsworth we are emailing to submit our objection as residents who would be effected.

The reasons for us objecting to this proposal are as follows:

- The smell generated from such mobile catering vans can be significant, and the proposed location is too close to local residents who will be subjected to this every day of the week, should the application be approved.
- We are lucky to have a green space running between Whitland Road and Whitchurch Lane. The presence of a mobile catering van is likely to increase the amount of littering in the area, where there is no provision for council managed public rubbish bins.
- We already have a problem with seagulls in the area, in particular around the Cater Business Park, so adding a mobile catering van is likely to hinder, rather than help resolve this ongoing issue.

We therefore object to this application, as we believe the Medina Dairy to be the wrong location for a mobile catering van.

## **STREET TRADING CONSENT INTERESTED PARTY REPRESENTATION**

**RECEIVED VIA EMAIL AT THE LICENSING OFFICE ON: 02 February 2015**

**RE: George's Five Star Fast Food, Car Park Area Of Medina Dairy, 77A  
Whitchurch Lane, Bishopsworth, Bristol BS13 7TE**

**FROM: Mrs Gemma Feeney, 48 Whitland Road, Bristol BS13 9QG**

Further to your letter informing us of the application being made, I am emailing you to tell you that I oppose this application for several reasons as listed,

1. Noise from the increase in cars and people visiting the establishment especially over the weekend and at late hours. We have a toddler who sleeps in the front bedroom and I don't want her disturb with possible drunken rowdiness.
2. Increase in rubbish/ litter dropping which can blow into our gardens ( this is already a problem at times)
3. Possible anti-social behaviour if crowds of young people hang around there.
4. Smells from cooking meaning that we can not sleep with our windows open in the summer months.
5. Possible rodent problems with food being dropped etc.

Thank you for the opportunity to comment.

## **STREET TRADING CONSENT INTERESTED PARTY REPRESENTATION**

**RECEIVED VIA EMAIL AT THE LICENSING OFFICE ON: 26 January 2015**

**RE: George's Five Star Fast Food, Car Park Area Of Medina Dairy, 77A  
Whitchurch Lane, Bishopsworth, Bristol BS13 7TE**

**FROM: Mrs Carol Canning, Whitland Road, Bristol BS13**

With reference to the above application for a Mobile Catering Van to be situated at Car Park Area of Medina Dairy, I am writing with an objection to this application.

We have enough late night noise with the WCPark and Fly and the boy racers without more noise from a Kebab van. Also this will add to the amount of boy racers who hang around Cater Road.

# J & L PROPERTIES

12/02/2015

**RE: STREET TRADERS LICENCE CAR PARK OFF MEDINA DAIRY, 77A WHITCHURCH LANE,  
BISHOPSWORTH, BRISTOL**

I have just received notice of the above application and wish to oppose the application. I am most unhappy that I wasn't consulted by the Council.

I am the owner of a Café business on Cater Road, and my tenants provide a seated and take-away facility for both businesses on the Park and for passing traffic trade from Whitchurch Lane.

We have objected in the past to Street Trader applications, the Café should not face unfair competition in difficult economic times, from a Street Trader that does not have to pay, rent business rates and Business Improvement District Levy and other overheads.

There could be highway considerations, as the pitch is situated in a car park directly off a roundabout, which will in 2016, become the end of the new South Bristol Link.

There will be issues of litter over the period 2.30pm to midnight and creation of a poor image for Cater Business Park a former Council regeneration project.

John Boyce  
Managing Director

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