

**BRISTOL CITY COUNCIL  
PUBLIC SAFETY AND PROTECTION COMMITTEE  
28 April 2015**

**Application for the Grant of Street Trading Consent at Lower End Of Park Street, Next To College Green And City Hall Building, Bristol**

**Applicant: Mr Richard Osborn**

**Proposed trading name: Fresh Range**

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: Lower End Of Park Street, Next To College Green And City Hall Building, 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 3 March 2015 Mr Richard Osborn 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:
  - 1 - Fresh cheese, deli products, fish and seafood, fruit, meat and poultry, dairy, eggs, salad and herbs, vegetables.
  - 2 - Store cupboard items such as confectionery, cereals, chocolate, cooking ingredients and sauces, crisps, snacks,

nuts, seeds, flour and home baking products, jams, honeys and spreads, rice, pasta, noodles and pulses, tins and cans.

3 - Household products

4 - Ready meals, fresh and frozen

5 - Bakery products - breads, pastries, cakes

6 - Drinks, juices, tea, coffee, water, ales and ciders

During the hours of

0900 and 2200 Sunday

0700 and 2200 Monday to Saturday

4. Photographs of the unit and the proposed trading site are attached at Appendix B and a site location plan at Appendix C.

## 5. **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

There is also another street trader at this location and he was consulted in line with the policy.

## 7. **Consultation Responses**

The following responses have been received.

Appendix D - Residents and businesses

Appendix E - Street trader – Espresso Bar

Appendix F - Bristol City Council Highways Officer

8. Mr Osborn submitted a letter from the Park Street Traders and Business Forum in support of his application. This is attached at **Appendix G**.
9. 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 stationary 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.

10. Mr Osborn has been provided with a copy of the report and has been invited to the meeting.

**RECOMMENDED      The committee is asked to determine whether it is appropriate to grant the application.**

- Appendix A - General conditions attached to a licence/consent
- Appendix B - Proposed unit and location photograph
- Appendix C - Site location plan
- Appendix D - Consultation Responses - Residents and businesses
- Appendix E - Consultation Responses - Street trader
- Appendix F - Consultation Responses - Bristol City Council Highways Officer
- Appendix G - Letter of support from Park Street Traders and Business Forum

## **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.

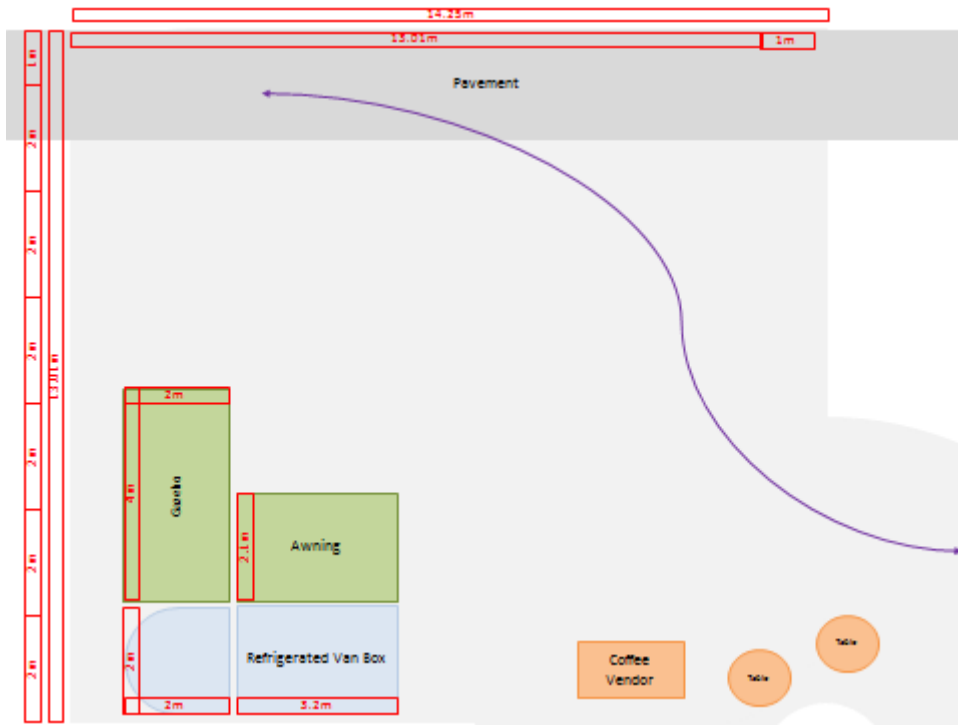
1. The consent holder shall only trade in the description of articles stated on the consent.
3. The consent holder shall not carry on business on any street so as to cause obstruction or cause danger to people using the street.
4. The consent holder shall not carry on business from any vehicle or erect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



# Appendix C



**STREET TRADING CONSENT  
RELEVANT PERSON REPRESENTATION**

**RECEIVED VIA EMAIL AT THE LICENSING OFFICE ON: 20 March 2015**

**RE: Fresh Range, College Green**

**FROM: Michael Chan**

To Whom it may concern

I am writing to oppose the application in regards to opening a van grocery/retail business in college area.

Please see below for my reasons:

1. College Green is one of the few existing playground and relaxation area within Bristol city centre, it is not appropriate to have any sort of retail business establishing in the area which would inevitably cause nuisance to residents and users of the area.

2. College Green is an immaculate place for photographers and tourists to visit to appreciate the views and monuments, a retail/grocery business is definitely not suitable and not in line with the coordinated environment. An ice-cream van or a coffee van would be another matter entirely.

3. There are plenty supermarkets and convenience shops in the surrounding areas already which I personally do not feel the need to increase that in short term.

4. if this application has been made successful, It is very likely that many other business will follow as you can imagine the outgoings for a retail van is going to be considerably less than those who occupy in the surrounding buildings. Hence many more of this sort of applications will appear in the near future and would gradually be infecting the entire area.

Due to the above reasons, I strongly advice bristol city council to review this application in a delicate manner. As far as my concern, there are a lot of noise from the surrounding occupiers who strongly oppose to this application.

Thank you very much



**STREET TRADING CONSENT  
RELEVANT PERSON REPRESENTATION**

**RECEIVED VIA EMAIL AT THE LICENSING OFFICE ON: 20 March 2015**

**RE: Fresh Range, College Green**

**FROM: Sarah Chuk**

Dear sir/madam,

I am writing in objection to the above application.

First of all the size is more concerning fact to the application as it will impose a great threat to the overall picturesque College Green. The products which are said to be sold are not items that is lacking in supply in the surrounding areas. There are already plenty of convenience shops and supermarkets around to cover their variety of products. The green space on College Green is a place of relaxation and a meeting point for many, by placing a grocery/retail business around there will demolish the purpose of the environment.

The hours at which they are looking to operate are far too long for what seems be a make shift convenience shop. It is also unfair to those proprietors of small businesses in the area, who have to pay considerably more on rent and business rates.

There is also the problem of litter from this business which will inevitably be dropped in and around the area. Not to mention the flow of pedestrians visiting the shop will no doubt cause hazards to road users.

Furthermore, the size of the van (5.2mx6m) is far too big to be considered as a van and it is unclear whether this "van" will be a permanent feature or removed out of business hours. If this application is successful, it is not hard to foresee many more similar cases will follow, causing a severe damage and intolerable nuisance to neighbours.

In conclusion, I strongly oppose to this application and request the council to review its potential affects and implications that impose onto the surrounding areas.

**STREET TRADING CONSENT  
RELEVANT PERSON REPRESENTATION**

**RECEIVED VIA EMAIL AT THE LICENSING OFFICE ON: 17 March 2015**

**RE: Fresh Range, College Green**

**FROM: Roger Dickinson, Apartment 47, 10 Unity Street, Bristol BS1 5HH**

Dear Sir/Madam,

Van selling Various Consumables including Alcoholic Beverages –Lower end of Park St next to College Green and City Hall – 07:00 to 22:00 daily (Sunday 09:00-22:00, closed Weds)

Thank you for bringing this application to my attention.

I would like you to register my strong objection to this application on the following grounds:

1. College Green is arguably the most beautiful part of the heart of Bristol. This outstanding public amenity has, until now, escaped defacement from the presence of unsightly mobile retail outlets. This especially rare and beautiful space should be preserved as such.
2. There are more than enough permanent convenience stores (Tesco & Morrison's) selling similar products at the same times within a few yards, there is absolutely no need for another.
3. Manoeuvring a van into place with such frequency (over 300 times per year) will, without doubt, cause damage to the paved area which is designed only for pedestrian access. This damage will impact on everyone at all times, especially the tourists who come to experience this beautiful place. The cost of such damage will be borne by the Council Tax payers, not by the street vendor.
4. If this application is approved it will be the start of a 'slippery slope'. When one inappropriate licence is granted it sets a precedent for subsequent applications.

Granting this application would mean that the wonderful amenities of College Green, City Hall and the Cathedral, loved by thousands, would be tarnished forever. This area is the finest Jewel in Bristol's crown; on those grounds alone you should reject this application.

Take pride - don't ruin what's left of our beautiful city centre!

**STREET TRADING CONSENT  
RELEVANT PERSON REPRESENTATION**

**RECEIVED VIA EMAIL AT THE LICENSING OFFICE ON: 18 March 2015**

**RE: Fresh Range, College Green**

**FROM: Mr T Lockwood Jones and Dr JE Jones, Apartment 48, 10 Unity Street, Bristol, BS1 5HH**

Dear Sirs

**Street Trading Consent Application reference number 14/06330/STCINN**

Thank you for your letter of 11 March 2015 setting out the details of the above application for Fresh Range to park a van, constituting a small shop, in the location outlined by your enclosed map at the bottom of Park Street adjacent to College Green. We note their trading hours which are long from Thursday to Tuesday and exclude Wednesdays.

As **local residents**, we strongly object to this application for the following reasons:

- **Location:** this location is totally inappropriate for a van such as this. Your letter says the van is 5.2 metres x 6 metres and this is really a small shop. Not only will it infringe on the beauty of College Green but will be seen by anyone in the vicinity as a blot on the landscape. College Green is a huge asset for Bristol so please do not give permission for it to be spoilt
- **Pavement:** pavements and kerbs are 'fragile' and break when vans are driven over them. Council Tax payers pick up the financial tab not the traders. This van will be of substantial weight by definition
- **Overprovision of food outlets:** the Park Street area is already supersaturated with supermarkets and other food outlets and the need for more is to be discouraged. We realise that this outlet will be selling 'locally' sourced produce but there is overlap with the provision of such items already
- **Alcohol:** The central area is a 'no alcohol in the street' zone. We are firmly against a van such as this selling alcohol particularly in the evenings
- **Proposed opening times:** these are ridiculously extensive
- **Loitering in the area:** food outlets encourage loitering which is a particular problem in the evening
- **Noise:** there will be customers gathering at unsocial times in an increasingly residential area. College Green will become an late evening picnic area especially in the summer months
- **Parties:** there will be even more parties on College Green, adding to the noise and extensive litter problem.
- **Seagulls:** seagulls are an increasingly a major problem on College Green. They love discarded food and the van will add to the problem.

We recommend that for the nine reasons outlined, you reject application  
**14/06330/STCINN**

**STREET TRADING CONSENT  
RELEVANT PERSON REPRESENTATION**

**RECEIVED VIA EMAIL AT THE LICENSING OFFICE ON: 18 March 2015**

**RE: Fresh Range, College Green**

**FROM: Magnus Porter, Apartment 47, 10 Unity Street, Bristol BS1 5HH**

Dear Sir/Madam,

Van selling Various Consumables including Alcoholic Beverages –Lower end of Park St next to College Green and City Hall – 07:00 to 22:00 daily (Sunday 09:00-22:00, closed Weds)

Thank you for bringing this application to my attention.

I would like you to register my strong objection to this application on the following grounds:

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Granting this application would mean that the wonderful amenities of College Green, City Hall and the Cathedral, loved by thousands, would be tarnished forever. This area is the finest Jewel in Bristol's crown; on those grounds alone you should reject this application.

Take pride - don't ruin what's left of our beautiful city centre!

Mr Alex Wong  
Apartment 16  
10 Unity Street  
Bristol  
BS1 5HH

Bristol City Council  
Licensing Office  
Princess House  
Princess Street  
Bedminster  
BS3 4AG  
BY EMAIL

**YOUR REF: 14/06330/STCINN**

19 March 2015

Dear Sirs

**NOTICE OF REPRESENTATION IN RESPECT OF THE STREET TRADING CONSENT APPLICATION (the "Consent Application") FOR A PROPOSED LOCATION OF THE PAVED AREA BY FOUNTAINS, COLLEGE GREEN BRISTOL ("the Premises")**

I am the residential property owner of Apartment 16, 10 Unity Street. 10 Unity Street is a large residential apartment block of 49 flats within 100 metres of the proposed Premises. Accordingly, believe that I fall under the category of "Interested Party" as a person living next to the Premises and entitled to make reasonable representations in respect of the Consent Application of the Premises which is a Licensed Street.

I have reviewed the proposed use (namely, the supply of food and drink) to take place from the Premises from the hours of 07.00 to 22.00 Monday to Saturday and 09.00 – 22.00. I would like to express my objection to the Consent Application.

I consider that the granting of the Consent Application would cause a number of nuisance issues to local residents as follows:

1. It is noted that a small coffee kiosk is currently situated at the Premises which is non-evasive to the surroundings. The proposed vehicle at 5.2 metres width by 6 metres is substantial and would have a detrimental visual impact on the location. The perception of the area being a neatly paved forecourt with fountains next to a well maintained civic building at the bottom of a historical road could be ruined by the presence of a large articulated van selling produce on the street. It is suggested that the permanent fixture of the van will be out of keeping with the overall area.
2. Increase of noise in the vicinity due to the flow of people stopping through the area is of great concern. This is will be particularly noted during the later hours between 17.00 to 22.00 especially at the weekends.
3. It is noted that Park Street is a main entertainment area for Bristol. The movement of people downhill to the taxi rank at the bottom of the street by the Hippodrome is relatively free flowing unless people enter other late night establishments where the noise is relatively contained. There is no reason to stop at the proposed Premises at night. The business from the Premises would entice people to stop and remain in the area for a lot longer than necessary which would cumulate in potentially excessive noise being made from customers queuing and purchasing goods or loitering at the location talking and shouting.
4. There are over 25 late night food and drink establishments within 100 metres of the proposed Premises offering the similar goods and services which include two convenient type supermarkets selling the same produce. If the business intends to be a vendor of food rather the key difference with the other vendors is they are based in buildings where noise is contained. Many of the establishments at the bottom of Park Street employ security staff who contain the noise and move customers onwards once they have made their purchases (as demonstrated by Tescos and

Morrisons and the takeaway outlets at the bottom of Park Street). The security staff direct customers to taxis and assist by reducing the overall noise of the vicinity as well as mindful of public safety. It is unlikely that the proposed vendor would employ such security staff.

5. The litter generated by customers outside the current takeaway shops is a key concern as discarded food stuff and rubbish already attracts vermin and seagulls. (Please note that there is already a nuisance seagull population in that immediate area). An outside vendor would only increase the volumes of discarded food stuff which would further aggravate to the vermin and seagull occurrence. It is plausible that customers will sit around the area and discard their rubbish on College Green or in the fountains.

6. Further nuisance could be generated should the vendor supply hot food stuff from the Premises. Fumes and smells could potentially drift to the front of the apartments of 10 Unity Street making it a nuisance for flat owners to open their windows for fears of fumes and odours seeping in especially in the evening when most are at home.

7. It is noted that the business intends to sell ales and cider from the Premises which would be subject to further licensing. There are already a number of licensed outlets surrounding the location that manage the sale of alcohol responsibly. There are also security staff that handle incidents at the other locations whether this is in a pub / bar or at the supermarkets which could be fuelled by alcohol purchase and consumption. The proposed business will not have the benefit of such security which may be a serious issue

8. I am aware that at weekends temporary urinals are placed at the Premises. This has a positive effect as it prevent individuals using the side streets such as Unity Street or the fountains as toilets! We are very much aware at 10 Unity Street that our communal entrances are used as toilets by individuals but the temporary urinals across the road at the Premises has massively reduced this occurrence.

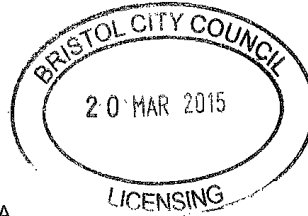
For the reasons given above, I would request that my representations are made available to the Licensing Committee during their consideration of the proposed Consent Application of the Premises.

I should be grateful for a summary of the outcome of the Licensing Committee's decision in due course.

Yours faithfully  
Mr Alex Wong

# WOODES

18, PARK STREET, BRISTOL BS1 5JA  
TELEPHONE 0117 926 4041



Licensing Office,  
Princess House,  
Princess Street,  
Bedminster,  
Bristol BS3 4AG.

19th. March 2015

Dear Sirs,

Application Ref: No: 14/06330/STCINN

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I strongly oppose the above application. There is no need for this Van, you have Tesco and Morrisons within 100 yards and teashops, cafes and restaurants on College Green and Park Street.

To put a Van on College Green in front of the Cathedral and Council House creates an eyesore, further night time rowdiness, litter and refuse problems.

Yours faithfully,

B. ROGERS

A handwritten signature in black ink, appearing to be "B. Rogers".

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Woods Cafe (1966 Ltd) Reg. Office 18 Park Street Bristol BS1 5JA

## STREET TRADING CONSENT RELEVANT PERSON REPRESENTATION

RECEIVED VIA EMAIL AT THE LICENSING OFFICE ON: 24 March 2015

**RE: Fresh Range, College Green**

**FROM: Colin Billington, (Espresso Bar – College Green), 9 Charlecombe Road, Bristol, BS9 3QP**

I am responding as a business, The Espresso Bar.  
Home Address 9 Charlecombe Road, Bristol, BS9 3QP

Reasons for my objection are

1. The proposed site appears to be the site of my current business, The Espresso Bar, which would suggest that I shall be put out of business should this request be approved.
2. If the proposal is approved and the van is to be adjacent to my business, I shall be put out of business as they are requesting to sell tea and coffee, thus damaging my livelihood.
3. Park Street has many venues, trading in food such as those proposed, thus having a detrimental effect on their businesses too.
4. The proposed van is large and will take up a lot of space in front of City Hall, having a negative impact on the aesthetics of the area and blocking the view of the fountains.
5. I have recently invested a substantial amount of money in to improving my business, to fall in line with Bristol being The Green Capital.
6. The proposal includes selling alcohol, such as ales and ciders. College Green is a 'no street drinking zone', which this will directly violate.
7. Last year, I applied to the licensing office to sell similar food stuffs to those on the application. I was denied this because I am only licensed to sell light snacks and these were not deemed to be so, including selling fruit, which was later considered to be a light snack. During that process I was not allowed to trade, while the investigation took place. The proposed application will be selling more than just light snacks.
8. I bought the business for a sizeable sum of money because I was paying for the location. If I am put out of business, I will not be able to sell the business for a similar amount, I will only be able to sell the items I have, which will then have an impact on my growing family and my ability to provide for them.
9. The application is for the proposed business to be open until 22.00 hours, creating a noise disturbance for local residents as it will be an outdoor venue.
10. The proposed business might create lots of rubbish from their takeaway food, thus potentially littering the area.

I would like to thank you for taking the time to consider my objections accordingly



**STREET TRADING CONSENT  
RESPONSIBLE AUTHORITY REPRESENTATION**

**RECEIVED VIA EMAIL AT THE LICENSING OFFICE ON: 16 March 2015**

**RE: Fresh Range, College Green**

**FROM: David Sarson, Bristol City Council Highways Team**

Looking at the construction, the kerb is full upstand, surface new flags and there are lots of utility covers which I am guessing may not be D400 vehicle loading spec. This is not designed for a vehicle to be crossing and certainly not a 3.5T van; in time, damage will inevitably occur to the materials and covers.

If access was to be permitted from the main road here then it would have to be early in the morning and after the evening peak. The van could not legally stop in the bus stop nor on the zig zags while a bollard is being moved. With reference to the above paragraph, the footway would also need to be made suitable for vehicle loading, at the applicant's cost, before it could be crossed by vehicles. Furthermore it would also actually be illegal for the footway to be driven over in its current form, in the absence of a proper dropped kerb and crossover.

It looks like the intention may be for access to be made off the corner, from the vehicular access to City Hall through the wider gap in the bollards. If this was the case then it looks like the simplest thing would be to swap the bollards around to move the 'gap' back a bit so that access could be made using the full extent of the existing dropped kerb. Nevertheless, the covers and flags and the legality issues remain. If this is the case, however, then I'm wondering why a removable bollard is needed as it looks like there is a suitable gap (which would be moved, if you see what I mean).

Either the applicant needs to ensure that the design and specification of whatever is driven on and over is sufficient to take the loads imposed by whatever he wishes to drive across it, or he thinks of other options to get his trailer there rather than driving across it. Reconstruction for vehicular loading would be likely to be a very expensive undertaking here, given the materials and the site. I would recommend that the applicant considers other access options first.



### PARK STREET TRADERS' & BUSINESS FORUM

23<sup>rd</sup> January 2015

To whom it may concern.

I am writing on behalf of the Park Street Traders' & Business Forum. Yesterday we had our first meeting of 2015. It was a very high turnout, over 25 people from local businesses attended.

We were privileged to see a wonderful presentation from Rich and Florence from Fresh Range and were delighted to hear of their proposed plans to open a portable food pod on College Green, close to Colin's coffee stall.

Last year the Traders conducted some market research about the area which was very positive and raised some great points, one of which was that everybody would really like an independent greengrocers/butchers/bakery! Many of us love to visit the Corn Street farmers market on Wednesdays but we all wished it was in operation every day. So I was pleased to hear that Rich and Florence will not open on Wednesdays so as not to be in direct competition with the market but will be operating the other six days of the week.

In an area that has experienced a doubling of the "local"/ "mini" supermarkets in the last few years, many of whom don't carry a very good range of meat and veg, Fresh Range will be a great contribution to our community.

We took a vote at the Traders meeting yesterday and the support for them was unanimous, so I am writing to support their application and we wish them every success with it and hope to see them in operation sometime in Spring.

Very best wishes,

Fiona Seath (Back in Action) on behalf of Park Street Traders' & Business Forum