

AGENDA ITEM NO 7

BRISTOL CITY COUNCIL PUBLIC SAFETY AND PROTECTION COMMITTEE

13 October 2015

Application for the Grant of Street Trading Consent at Pavement Area Outside Of Car Park, Redcliff Street, Bristol
Applicant: Bayram Demiroglu
Proposed trading name: Yummy's 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: Pavement Area Outside Of Car Park, Redcliff Street, 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 26 January 2015 Bayram Demiroglu 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:
Bottled soft drinks and water, cans of soft fizzy drinks, tea, coffee, Burgers, Humous, falafel, salad, pitta bread, chicken, cous cous, vine leaves

During the hours of 07:00 - 15:00
From Monday to Saturday

4. Photographs of the unit and proposed trading site are attached at Appendix B and a site location plan at Appendix C.
5. The land from which Bayram Demiroglu wishes to trade is public highway

Consultation

6. 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
Local Councillors
Avon and Somerset Police

As the site also incorporates a number of multiuse pathways, and is nearby to the upcoming Temple Gate development we also consulted with the Council's Development Planning Team.

7. Consultation Responses

The following responses have been received.

Appendix D - Residents and businesses
Appendix E - Other agencies

The Development Planning team advised that the site would not be affected by the planned development at Temple Gate, or the Metrobus works.

They commented that the footway was not originally designed to be driven on and that it would be appropriate for a condition to be attached ensuring that the applicant would be responsible for any damage caused to the footway by his vehicle being driven on and off site.

In addition they hoped that it could be stipulated that any support vehicles for the trailer would need to be placed off site, and could not remain at the site throughout trading as it could obstruct the view of drivers and pedestrians using the roundabout.

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. 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.

9. Bayram Demiroglu has been provided with a copy of the report and has been invited to the meeting. Mr Demiroglu has provided some additional information in respect of his application which is included at Appendix F

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

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985
Background papers

Contact Officer: Miss A Holman, Senior Licensing Officer,
Neighbourhoods

Ext: Telephone

Appendix A
Appendix B
Appendix C
Appendix D
Appendix E
Appendix F

General Conditions
Unit and site photographs
Site Location Plan
Interested party responses
Other agency responses
Response from applicant

APPENDIX A

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 B



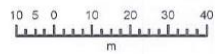
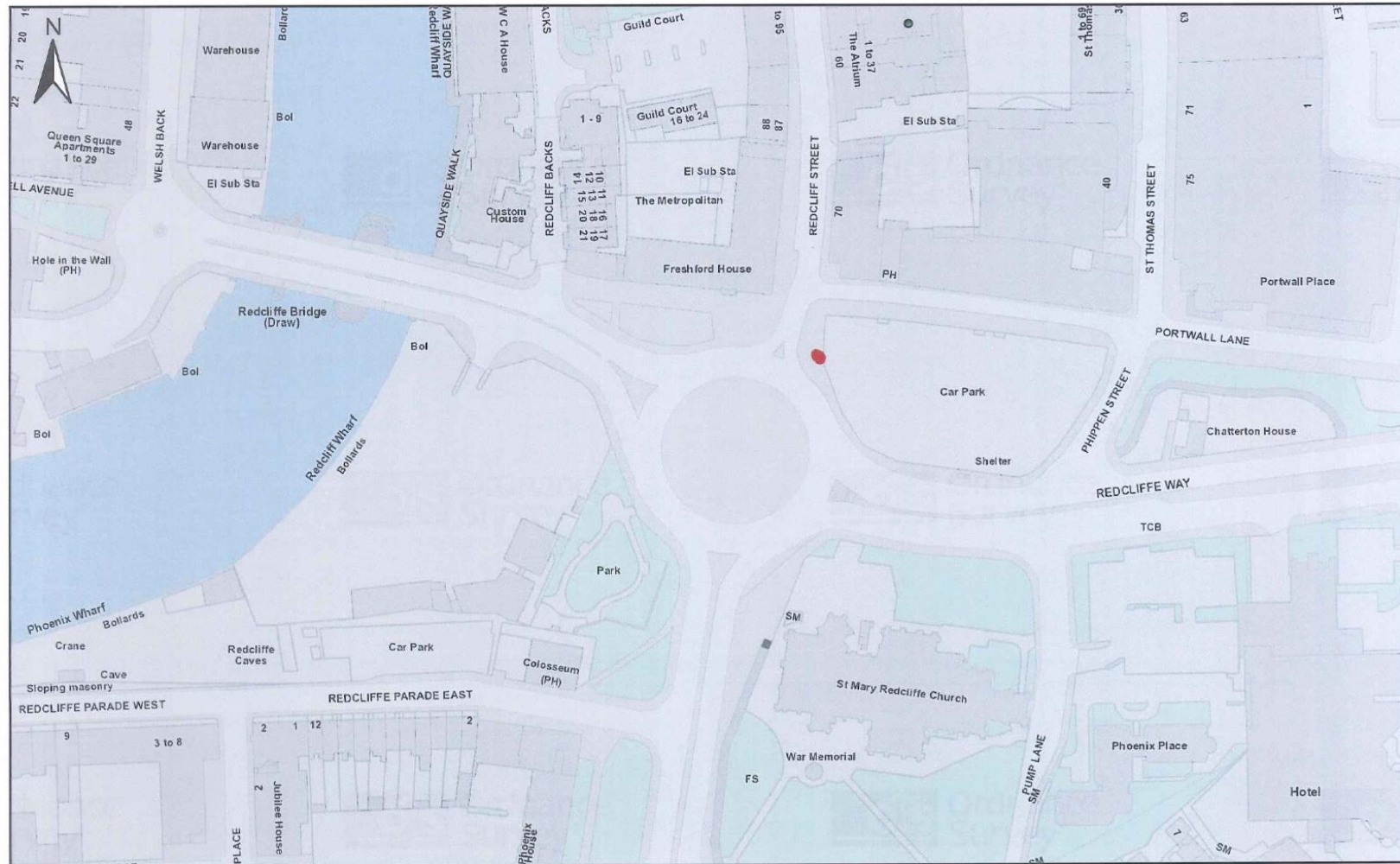






Yummys Food - Beside Car Park on Redcliff St

Document created on Tuesday 17th February 2015 at 10:24



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APPENDIX D

Response 1:

With reference to the abovementioned application (scanned copy attached), I am writing to you as someone who works from offices in Rivergate House which is situated opposite the proposed site of the trailer. I am also the manager of Portwall Place, an office building in the near vicinity.

I strongly object to the proposal for the following reasons:

1. As far as I am aware there is no planning consent in place for the proposed use in this particular location. Given the proposed hours of trading (7am to 3pm / 6 days a week) this surely constitutes a material change of use which requires planning permission as opposed to only requiring street trading consent.
2. In my opinion the proposed location is inappropriate on the grounds of visual amenity given that it falls within the boundary of the Redcliffe Conservation Area with listed buildings in the near vicinity including St Mary Redcliffe Church.
3. The positioning & dimensions of the proposed trailer would create the potential for both pedestrian & cycle route congestion on an already busy route between Temple Meads Station & the City Centre. Furthermore the area is used as a muster point for emergency evacuations from Rivergate House (& presumably other commercial buildings in the vicinity) & there is a pedestrian crossing nearby in Redcliff Street. All of these factors would surely increase the potential for pedestrian overspill into the public highway thereby compromising public safety.
4. A number of substantial companies & organisations who are significant employers in the city operate from office premises nearby (Workman, DTZ, AWW, Open University, Ofsted, BLC, DAC Beachcroft, Smith & Williamson, BNP Paribas, Aecom, Towry & EC Harris). However, the siting of a street food outlet in the near vicinity of their respective premises would inevitably bring with it additional noise, smells, litter & pedestrian/ cycling congestion & overspill (as outlined above). This in turn would have a detrimental effect upon both their businesses & the profiles of the premises they operate from. Furthermore there is vacant commercial space in Portwall Lane & Redcliff Street, the letting prospects of which are unlikely to be helped by the siting of a trailer nearby.

I very much hope that you will take note of my comments and refuse consent.

Response 2:

I refer to the above application which I would object to.

1. The pavement is already congested with pedestrians and cyclists sharing the pavement and by allowing a trailer to be located within this area it will create an increased health and safety risk to both cyclists and pedestrians who wish to use the entrances to the car park and also the pedestrian crossing.
2. A number of my colleagues work in the ground floor office which faces directly onto this pavement area and the increased noise with people gathering in this area will affect their ability to work effectively without disruption.

Response 3:

I write in response to the above referenced Planning Application for a street trader to operate from a site on the Pavement Area Outside the Car Park in Redcliff Street.

I have no difficulty with the principle of street trading and can understand that the proposed location would be a prime site for a food outlet.

However, I object to the proposal on two counts:

1. The position in question is particularly complex from both a pedestrian, cycling and motoring point of view. During rush hours, traffic coming along Redcliff Street to join the busy Redcliffe roundabout is faced with heavy traffic joining from Portwall Lane, followed immediately by a particularly busy pedestrian and cycleway crossing, followed immediately by the roundabout itself which, during the rush hour periods, is frequently blocked by traffic proceeding along Redcliffe Way. Motorists already have to concentrate very hard on these conflicting flows. In my opinion, the addition of a potentially busy food outlet (for commuters grabbing a coffee on the way into work) would add further complexity by increasing pedestrian and cyclist congestion and causing further potential confusion and distraction to the motorists.
2. I would suggest that the site would be unsuitable for consumers to eat/drink in situ and the majority would therefore be in transit. This would lead to the very high probability of a substantial increase in litter along Redcliffe Way, outside Freshford House, the southern entrance of Redcliff Backs and across Redcliffe Bridge, since this would be the main flow of consumer traffic during the morning rush hour. Any increase in discarded cups, cans, food wrappers etc would be wholly

unacceptable. Litter discarded before the bridge would likely be blown along Redcliff Backs due to the prevailing winds in the area. Other litter could well be deposited in the landscaped areas causing visual scarring to a popular tourist route.

In my view the positioning of the proposed outlet is unsuitable.

Response 4:

We have been provided details in respect of the above proposed application .

I am responding as a business, as Workman LLP occupy Rivergate House and we employ approx. 135 staff at this location

We strongly object to this proposed application on the following grounds:

1. There are enough places to eat already in the area and an additional hot food provider will affect the businesses of the existing restaurants, cafes and supermarkets already located in the vicinity (who are, it should be noted rate payers.)
2. A Falafel/ burger stall is not in keeping with area and will have serious impact on the profile of the building.
3. The pavement is already congested with pedestrians and cyclists sharing the pavement and by allowing a trailer to be located within this area it will create an increased health and safety risk to both cyclists and pedestrians, not to mention an increase in litter and a subsequent risk of vermin.
4. A stall holder will be both unsightly and noisy. With St Mary Redcliff in such close proximity we do not think a trailer is keeping with the area.
5. With the proposed development of the Temple way roundabout we believe that granting a licence to a stall holder would be premature bearing in mind the consultation has just been started for this development.

I trust you will take note of these comments and refuse consent .

APPENDIX E

Highways Response

This site is the footway of the public highway and looks wide enough. If the trailer is kept back by the car park fence, the trader should not obstruct the footway or block driver sight line of the road junction.

The trailer must not obscure the street nameplate. Access/egress for the trailer on to the footway cannot take place during peak traffic hours. Finally, there may be other plans for the layout of the road/footway, so I've copied in [Development Planning]

APPENDIX F

All I want to add, the food I'm going to sell is Mediterranean so there is no body selling this kind of food around. I believe you and your colleagues will come and try my food and you will be great full to giving me the licence. I already spoke to some of your colleagues and they say ,they wish somebody sell this kind of food around and they full their Tommy .

I will provide all hygienic equipments in trailer and 2 bins for the customers so the area still be clean and tidy. I will make sure the area clean and tidy as it should be after I finish the job. I probably use the electric so won't use generator and make noise around there. The trailer will be 6ftx8ft so it won't be so big.

I'm in catering business more than 15 years so I know how to make people so happy and enjoying the food. If you give me the licence believe me you will make me one of the happy person in the world.