

**BRISTOL CITY COUNCIL
PUBLIC SAFETY AND PROTECTION COMMITTEE
26 January 2016**

Report to consider four applications for the Grant of Street Trading Consent(s) at Paved area by the Fountains outside City Hall, College Green Bristol

Applicants:
Chris Tayler – Daily Espresso
Bridget Pilkington – Vee Double Moo
Bayram Demiroglu – Anatolia
Honore Sanjivi – Tokyoyaki

Report of the Service Manager – Regulatory Services

Purpose of Report

1. To determine four applications for the grant of a Street Trading Consent at the following location: Paved area by the Fountains outside City Hall, College Green Bristol

Background

2. 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.
3. General conditions which would be attached to a licence/consent if granted are at Appendix A
4. A previous consent was issued for this site which has now expired. The previous consent allowed the trader to sell Coffee, Tea, Cold Snacks (Cookies, muffins, fruit, chocolate bars, breakfast bars, cereal bars, sealed cereal pots, crisps) and Hot

Chinese Snack Pots. It allowed the trader to trade between 0800 – 1700 Saturday and Sunday, and 0700 – 1800 Monday to Friday.

5. A number of applications for street trading consents have been received for the same location details of which are provided below. If granted the consents would enable the applicants to trade lawfully at the above location.
6. Photographs of the proposed trading site are attached at Appendix B and a site location plan at Appendix C.
7. On 6 February 2014 Mr Christopher Tayler applied to sell the following goods:
A range of coffees including Espresso, Americano, Cappuccino, Latte, and Tea Hot, Chocolate, selection of cakes
During the hours of 0700 – 1500 Monday to Friday
Photographs of Mr Tayler's trading unit are attached at Appendix D
8. On 13 May 2015 Ms Bridget Pilkington applied to sell the following goods:
Ice cream
During the hours of 1200 – 1700 Saturday to Sunday
Photographs of Ms Pilkington's trading unit are attached at Appendix E
9. On 14 July 2015 Mr Bayram Demiroglu applied to sell the following goods:
Falafel, Hummus, Cous Cous, Halloumi Cheese, Vine Leaves, Paninis, Pitta, Fresh Salad, Wraps, Tea, Coffee, Cold Fizzy Drinks, Bottled drinks, Bottled Water
During the hours of 0800 – 1500 Saturday
0900 – 1500 Sunday
0700 – 1500 Monday to Friday
Photographs of Mr Demiroglu's trading unit are attached at Appendix F
10. On 4 December 2015 Mr Honore Sanjivi applied to sell the following goods:
Hot Sweet and Savoury Takoyaki, Coffee, Tea, Mineral Water and Fizzy drinks
During the hours of 0700 – 2200 Monday to Saturday
Photographs of Mr Sanjivi's trading unit are attached at Appendix G

Mr Sanjivi states that he purchased a unit from the previous

consent holder at this site, but intends to use a new unit. Whilst the legislation does not provide for the transfer of a street trading consent in respect of a site it has become established practice that where a business is simply changing hands (with the same trading unit, offer and times) one licence is surrendered and a new licence is taken out by the new operator as a single transaction. Officers believe that in the absence of any transfer provisions in the legislation this is the fairest practice. However where the new operation is quite different from the original operation in terms of product offer, proposed trading hours and style of unit coupled with other applicants interested in the site officers have taken the view that a consultation exercise should take place in respect of the application, and determination be referred to the sub-committee.

Consultation

11. The Council's policy states that normally consultation will take place with the following interested parties:-

- a. Local Residents
- b. Local businesses
- c. Bristol City Council – Highways officer
- d. Bristol City Council – Planning Team
- e. Bristol City Council – Food Safety Team
- f. Bristol City Council – Pollution Control Team
- g. Bristol City Council – Councillor
- h. Avon and Somerset Police

Mr Tayler's application was of a similar nature, offer and hours to the previous consent held at this site and as such officers assessed that they could depart from the policy and not undertake consultation in this instance.

Standard consultation was undertaken in respect of the other applications since the offer and hours applied for were different to the previous consent at this site.

Consultation Responses

12. The following responses have been received.

In respect of Ms Pilkington's application one consultee commented that if the consent were seasonal and the applicant was using a mains electrical source then there would be no objection.. Two further representations were received which sought refusal of the consent. They are attached at Appendix H

In respect of Mr Sanjivi’s application comments were received from the Highways Team about protection of the pavement area, and four objections were received.. They are attached at Appendix I.

In respect of Mr Demiroglu’s application comments were received from the Highways Team about protection of the pavement area, and two objections were also received. They are attached at Appendix J. The consultation end date for this application was 18 January. At the time of writing the report the consultation period had not ended. Any further representations received in respect of this application will be provided at the hearing.

Officer Considerations

- 13. In light of the comments received and the nature of each of the applications officers consider that a mix of trading could be permitted at the site. The table below sets out a possible arrangement.

Consideration has been given to allowing Mr Tayler’s application to be granted with a reduced terminal hour and Ms Pilkingtons application to be granted as applied for. In addition officers feel that another application could be granted, if deemed appropriate for the afternoon/early evening at this site to provide for a robust offer at what is clearly a sought after site for trading within the city centre.

Mr Tayler has indicated that he would be prepared to reduce his terminal hour to 1400, and Mr Sanjivi has indicated that if the committee feel it appropriate he would be prepared to reduce his hours of trading.

A possible model for the applications is set out below.

Monday to Friday	0700 – 1400 Tayler	1430 – 1900 Sanjivi/Demiroglu
Saturday to Sunday		1200 – 1700 Pilkington
	0700 – 1700 Sanjivi/Demiroglu	

In addition officers would recommend that consideration be given to the size of each of the units as access is currently restricted by bollards to this location. If bollards were required to be

removed for access by any of the units the applicant would be responsible for the cost of these works.

If the sub-committee were minded to grant any of these applications officers would recommend that a condition is placed on them requiring that the units be removed at the end of trading time with a suitable time between trading time to allow take down and set up. In addition a further condition prohibiting use of the consent when any events are taking place on college green in order to maintain the use of the site for any other purposes outside of the trading hours when their presence could conflict with the event on offer e.g. BBC Food Festival

Officers would also recommend that conditions are added to ensure the consent holders are responsible for any damage caused by their units being placed or removed from the site.

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. 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.
- a. 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.
 - b. 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. The applicants have been provided with a copy of the report and have been invited to the meeting.

RECOMMENDED The committee is asked to determine the applications.

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985
Background papers

Contact Officer: Ms A Holman, Senior Licensing Officer

Ext: Telephone 01173 574 900

Appendix A

**GENERAL CONDITIONS THAT WILL NORMALLY BE ATTACHED TO
STREET TRADING CONSENTS**

1. The consent holder shall only trade on the days and between the times stated on the consent.
2. 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.

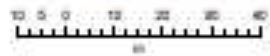
Appendix B





College Green Site Map

Document created on Tuesday 12th January 2016 at 12:55

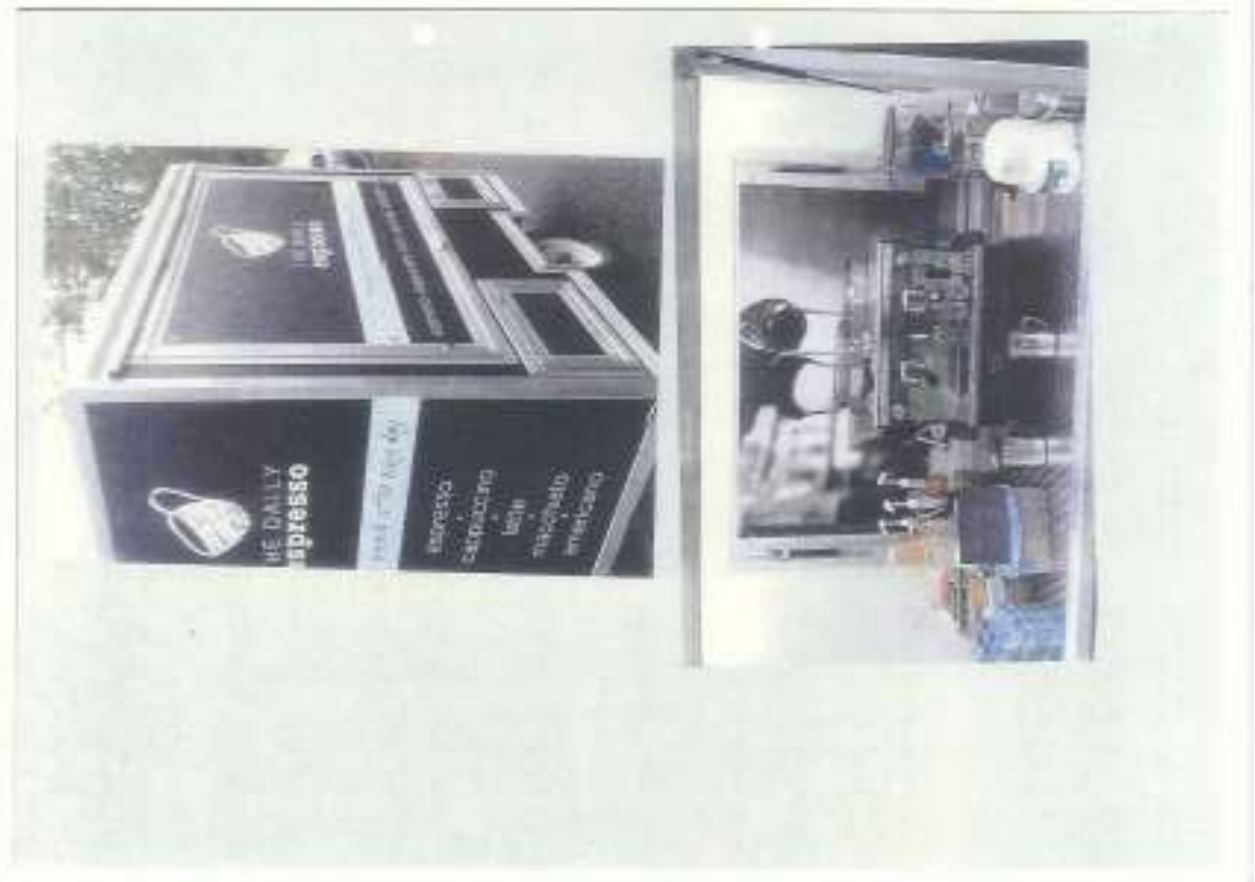


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Appendix C

Appendix D



Appendix E





Appendix F



Comments in respect of Ms Pilkington's application

Representation 1

As local residents xxxxxxxx, we strongly object to this application (which has been one of many applications for this pitch this year) for the following reasons:

- Van: these are never attractive and are inappropriate for this prime location adjacent to our wonderful College Green. College Green is one of the city's treasures and needs respecting. It is a tourist destination and place for photographs
- Slippery slope: once the Council allows ice cream vans in this location it could be a precedent for other ice cream vans to apply for a licence
- Pavement and kerb damage: the kerb is not lowered for vehicles in this location and the access is intentionally restricted
- Litter: there is an underprovision of rubbish bins on College Green already and there will be rubbish generated. Also ice creams do get dropped
- Proposed opening times: these seem to overlap with the hours the Espresso Bar currently trades from this location
- Seagulls: seagulls are an increasing major problem in the area and are not to be encouraged

We recommend that for the seven reasons outlined, you reject application 15/03086/STCINN

Representation 2

Thank you for your letter of 13th August 15' showing details of the above application for an Ice Cream van to be located just inside College Green and City Hall perimeter at the bottom of Park Street. As local residents we would like to object to this application for the following reasons:-

This ice cream van just seems rather old rather vintage and so not very attractive.

It is to be located on probably the site showing the most attractive view of College Green, the water features and the Cathedral.

As Bristol has now very Green credentials this will probably bring extra tourists into the City and we are sure they wish to view and photograph Green spaces and attractive views not an old ice cream van blocking the landscape.

Anyway there seems to be an ice cream van already situated near the Marriott Hotel most Saturday and Sunday afternoons.

A more appropriate place to situate this type of food outlet would be St Augustines Parade.

We would be pleased if you could recommend that this application be rejected.

Comments in respect of Mr Sanjivi's application

Comments from Highways Team

Although, the proposed trade site is an off-highway location, the trader needs to be aware of avoiding holding up peak time Park St road traffic when the trailer is taken on and off site. Care must also be taken to avoid damaging the paving slabs/kerbs.

Representation 1

As **local residents** xxxxxxxx, we strongly object to this application (which has been one of many applications for this pitch this year) for the following reasons:

- **Trailer:** these are never attractive and inappropriate for this prime location adjacent to our wonderful College Green. College Green is one of the city's treasures and needs respecting. It is a tourist destination and place for photographs
- **Slippery slope:** once the council allows food trailers in this location it could be a precedent for other vehicles to apply for a licence
- **Pavement and kerb damage:** the kerb is not lowered for vehicles in this location and the access is intentionally restricted
- **Litter:** there is an under-provision of rubbish bins on College Green already and there will be rubbish generated
- **Cooking smells:** your letter says 'Hot Sweet and Savoury Takoyaki' which will presumably be freshly cooked?
- **Over-provision of food outlets:** Park Street and the surrounding roads are already teeming with food outlets
- **Proposed opening times:** 07:00 – 22:00 Monday to Saturday these seem long and overlap with other food outlets on Park Street
- **Seagulls:** seagulls are increasingly a major problem in the area and are not to be encouraged

We recommend that for the eight reasons outlined, you reject application **15/06216/STCINN**

Representation 2

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

- 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 large unsightly mobile hot-food outlets. This unique and beautiful space should be preserved as such.
- Such an establishment inevitably causes an increase in rubbish and food waste on the street which as well as being unsightly adds to an ever-worsening seagull infestation problem.
- There are more than enough permanent and temporary establishments serving take-away hot food at the same times within a very short distance, there is absolutely no need for another.
- It is highly likely that this operation would generate cooking smells.
- 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.
- 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 beautiful 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 lovely city centre!

Representation 3

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

- 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 large unsightly mobile hot-food

outlets. This unique and beautiful space should be preserved as such.

- Such an establishment inevitably causes an increase in rubbish and food waste on the street which as well as being unsightly adds to an ever-worsening seagull infestation problem.
- There are more than enough permanent and temporary establishments serving take-away hot food at the same times within a very short distance, there is absolutely no need for another.
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Representation 4

As a local business I would like to object to this application.

There was already a catering van on the suggested site.

This started as little takeaway coffee pod trailer which soon developed into having tables and chairs with no facilities for customer or staff. As we are literally just across the road this obviously had an impact on our trade, also it seems people feel happy to come in and use our facilities which again means a further impact on our business. The suggested unit is a massive trailer to be parked right outside the council building with the cathedral in the background which must both be listed buildings. This would not be within keeping of the area. We have to pay rent, rates and all the other costs associated with a fixed business let alone the responsibility of providing a good wage for our staff. This application brings nothing new to the area.

I suggest you have a walk on park street and see that there are enough if not more than necessary A3 venues with another one being built as we speak opposite college green.

Park street has reached saturation point and the products they wish to sell are already being provided by other businesses in the local area.

Comments in respect of Mr Demiroglu's application

Comments from Highways Team

Trader will need to take care that he does not cause any delay to peak time traffic on Park St/College Green on arrival/leaving site. Trader must prevent any damage to slabs and kerbs when vehicle/trailer cross the footway to access the trading site.

Representation 1

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

- 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 food outlets. This unique and beautiful space should be preserved as such.
- Such an establishment inevitably causes an increase in rubbish and food waste on the street which as well as being unsightly adds to an ever-worsening seagull infestation problem.
- There are more than enough permanent and temporary establishments serving take-away food at the same times within a very short distance, there is no need for another.
- It is highly likely that this operation would generate cooking smells.
- 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.
- 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 beautiful 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.

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Representation 2

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

- 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 food outlets. This unique and beautiful space should be preserved as such.
- Such an establishment inevitably causes an increase in rubbish and food waste on the street which as well as being unsightly adds to an ever-worsening seagull infestation problem.
- There are more than enough permanent and temporary establishments serving take-away food at the same times within a very short distance, there is no need for another.
- It is highly likely that this operation would generate cooking smells.
- 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.
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