

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

26 January 2016

Application for the Grant of Street Trading Consent at Pavement Area Between 2 Trees In Front Of The Red House And 30 Trenchard Street, Trenchard Street, Bristol

Applicant: Juliet White

Proposed trading name: Blu-Fire Smoke 'n' Grill

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 Between 2 Trees In Front Of The Red House And 30 Trenchard Street, Trenchard 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 6 February 2015 Juliet White 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:
Burgers, chips, hotdogs, 'philly' cheese steaks, rib eye steak baguette, tacos, pulled pork, BBQ ribs, BBQ chicken, wraps, ice cream, fish and chips, cold drinks, tea, coffee, hot chocolate, cakes, pastries, salads, pizza
During the hours of 1800 - 0600

From Monday to Sunday

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 Ms White 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

7. **Consultation Responses**

The following responses have been received.

Appendix D - Other agencies

Appendix E - Residents and businesses

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. Juliet White has been provided with a copy of the report and has been invited to the meeting. Ms White 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	General Conditions
Appendix B	Unit and site photographs
Appendix C	Site Location Plan
Appendix D	Other agency responses
Appendix E	Interested party responses
Appendix F	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 - Unit and site photographs





Blu-Fire Smoke'n'Grill, Pavement area outside 30 Trenchard St

Document created on Thursday 8th April 2015 at 15:27



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Representation 1

Bristol City Council Highways

Applicant will need to ensure that at least 2 metres of footway must be kept clear along the frontage to 30 Orchard St, directly next to the building. From what I understand, the trader pitch is in between the two street trees. Please let me know if anything has changed.

Appendix E

Interested party responses

Representation 2

I own xxxxxxxx. This area is already well served for such facilities and indeed there is still considerable litter and debris left but people using such establishments. What's more, we have had our windows smashed on numerous occasions late at night.

I vehemently object on the grounds that:

1. Such amenity already exists all around the area and more is not required.
2. Additional litter and mess will be created. There is no way that any such vendors can control litter since experience tells us that people don't use bins provided and will wander off from the purchase site only to create a mess nearby.
3. This area is busy with clubs, pubs, restaurants and once people leave such establishments they should be encouraged to go home or leave the area and not linger. I have had my front windows smashed too many times already without encouraging more people to linger around late at night.

I trust you will take my comments seriously and refuse this application.

Representation 3

I am a day overdue in order to submit comments on one of the above proposals, but given their proximity I am hoping that they are the same proposal with two possible locations rather than two separate businesses. If they are two separate then my comments below apply to both.

I am a resident of xxxxxxxx, whose back windows look over the smoking area of the O2 academy and trenchard street car park. I have a number of concerns and objections to these applications:

1. The times applied for suggest that this application is for a fast food van that will be serving those people leaving the O2 academy and / or The Hatchet pub. Due to the late opening hours of these venues, and the fact that people leaving them are often fairly intoxicated, we already have a number of problems involving noise disturbances (shouting / fighting / singing) at all hours of the night, as well as a high volume of vomit on our road and the surrounding area.
2. The main road at the end of Denmark street has numerous fast food restaurants (commonly referred to as 'kebab corner'), which already contribute to the above issues and a serious amount of rubbish left on the streets around our building. These restaurants should be ample to service those people leaving late-night venues in the area.
3. Because our road is a cul-de-sac, we often have people from aforementioned venues sitting in our door ways to talk / cry / argue / smoke / drink and eat. I can only assume that somewhere serving food from a trailer will not be providing seating, so I worry that this will encourage even more people to use our road to go to eat their food.

I do appreciate that living in the city centre means we will have some of these problems now and then, but we could all do without more of these issues when the market that the proposed business is serving is already more than catered for.

Representation 4

The proposed locations are near residential properties, including those along Orchard Street. As a resident of xxxxxxxx I am concerned by the proposals and wish to object to the applications for the reasons set out below.

1. The proposed locations of the trailers about a designated street trading prohibited street, Orchard Avenue and are in very close proximity to other designated street trading prohibited streets including, Orchard Lane, Denmark Street, Gaunt's Lane, Hobbs Lane, Culver Street, Unity Street and Pipe Lane.
2. The proposals will pose an additional risk to public order in the area, especially given the overnight trading hours.
3. The proposed opening hours are unsuitable in an area with residential properties and will cause a public nuisance to those living nearby.
4. Orchard Street and surrounding streets already suffer from additional litter from nearby takeaways and people urinating on the street. Seagulls and other pests will also be attracted to the additional food litter created by the proposal.

I would therefore request that both applications are refused.

Representation 5

I am in receipt of notices containing two applications for Street Trading Consents, numbers 15/00109/STCINN and 15/00124/STCINN.

I am a resident at xxxxxxxx.

I write with an objection to both these trading consents on the same grounds:

- 1) Whilst the area is generally quiet, this cannot be said to be the case after 12am on Fridays and Saturdays, as revellers disgorge from night clubs in the vicinity of Frogmore Street. Noise is significant into the early hours and it is not possible to get a full night's sleep. This is tolerable, only because it is at the weekends.
- 2) By allowing trading consents on these sites all week from 18.00 to 06.00am, this will encourage the use of Orchard Lane as a thoroughfare to the taxi rank in front of the Hippodrome, and more generally. This will compromise the ability to get a good night's sleep during the working week.
- 3) Orchard Lane will become a depository for litter waste from these establishments. The area in front of the Hippodrome and Denmark Street is bad enough as it is.
- 4) Orchard Lane will be used more frequently by those who wish to relieve themselves.
- 5) There are adequate (indeed too numerous) takeaway establishments in the vicinity of the Hippodrome. The consequences of these have not been adequately addressed, as it is. Broadening the problem to encompass the area of Orchard Lane, Orchard Avenue and Orchard Street will exacerbate the problem, not alleviate it.
- 6) There is not adequate policing by foot patrols to ensure that people desist from anti-social behaviour.

7) Elsewhere I have seen plans to enhance the general area because of its history and architecture. Giving Street Trading Consents for these types of establishments at these times will not enhance the general area, but detract from it.

Representation 6

With regard to the above Trading Consent Applications and as a property owner and resident of xxxxxxxx, I object on the grounds listed below:

1) Cost, Litter, health and hygiene

The Council currently does an excellent job of cleaning up the mess in the streets in the vicinity, particularly after weekend revelry. However, as witnessed on The Parade and Denmark Street, the litter and food detritus will inevitably increase, significantly increasing the Council cleaning time and therefore costs. The food waste and human sick already attracts seagulls, rats and pigeons, all of which are obviously a hazard and unwelcome.

2) Anti-social behaviour and noise

You will be aware that the O2 in recent times has provided a security guard to police the Orchard Lane/ Orchard Street cross roads in an attempt to reduce noise and to particularly stop the Orchard Street cul-de-sac being used for urination, defecation, fighting, intercourse and drug dealing, all have which are issues from time to time. This has been largely effective, however, I understand that it is an informal arrangement and indeed it ceased recently. The extra provision of food and drink in the vicinity can only encourage further gathering and loitering and in turn an increased risk of anti-social behaviour.

3) Unnecessary amenity

With the ample provision of heavily policed eating and drinking establishments, many of which are "fast food" takeaways, in the Parade, Denmark Street and Park Street vicinities I fail to see the necessity or real positive benefit of making food available at these particular locations.

It is a pleasure and a privilege to be a resident in the vibrant city centre and the significant conversion from business to residential property in the area, including of course the vast expansion in student accommodation, purpose build and flats, has I believe greatly enhanced the area. Living there inevitably means that there will be a certain level of noise and nuisance and this is expected and tolerated, however, there has to be a balance and these applications tip it in the wrong direction.

I am aware that many of my neighbours have already voiced their concerns. We all feel very strongly as residents in the area that we deserve to be listened to seriously in these matters that impact us considerably on a daily basis.

Representation 7

We write with reference to above Street Trading Licence applications and advise of our wishes to object to both applications on the following grounds as set out below for your attention.

Before doing so, we would like to point out that whilst your two letters notifying us of the proposed applications are dated the 10th April, we didn't actually receive them until 20th April, some 3-4 days prior to the cut-off date in which to appeal.

As a longstanding business occupier who employ a number of people working from xxxxxxxx that would be directly affected as employees, we set out below the

respective grounds in which we oppose the respective license applications. From past experiences, when we opposed the last traders licensing application, Bristol City Council granted the licence despite the number of objectors which led to the following events occurring in which in our view form the basis of our contesting any new licence being approved. Namely;

1. The local environment and pavements becoming littered with food detritus, plastic and paper food packaging which would often or not end up being put through residents/occupiers' post boxes. Waste or refuse left from the night before would not be collected by Bristol City Street Cleaning services as they would deem it residents waste.
2. By the very nature of positioning a street trader's van of the suggested size in front of dwellings 30–36 Frogmore Street creates a security risk to our staff and other workers and residents of the subject premises. It is our experiences from the last time a licence was granted that a food van of this nature encourages anti-social behaviour, creating blind spots to the rear of the vans in which people congregate and hence creating a safety and security risk. The buildings have been prone to much graffiti attack along with break-ins and any street trading van proposing to trade in front of the buildings only acts as catalyst for further unwanted behaviour.
3. Apart from this, a proposal of this nature will also create a disturbance to the occupants from not only the noise levels created by the mechanical appliances used but also from the creation of fatty foods being cooked and the generation of unwanted cooking odours travelling into the buildings.
4. As an office occupier, we operate our business well into the early evening and also at times during the weekend. Given we pay business rates, we should in the very least be able to leave and access our premises without the feeling of any intimidation that is often created with the crowds of people these vans can attract.
5. Any proposal of this nature in my view where it proposes to cook food and be positioned so as to cause a pavement and potentially a highway obstruction over a succession of time as suggested, warrants a planning application for the use.
6. Finally, Frogmore Street is starting to see the benefits of all the recent investment being made into the area such as the redevelopment of Colston Hall and the upgrade in highways etc. The introduction of street trading of this nature will only in our view diminish this and create a recipe for added stress on the council services where cleaning and policing the area as seen in Park Street, which has become awash with litter following a night out by party revellers. Introducing street trading of this nature will in our view only extend the party activities from Park Street into Frogmore Street and beyond particularly as there will be over 200 beds of students opening up later in the year.

As you can see there are a number of valid reasons as to why we as occupiers would oppose such an application of this nature. As indicated we speak from the experience of the last Street Trader and would urge you to refuse any application of this nature in this area.

Representation 8

thanks for your letter ref food van to be located at the pavement area between 2 trees on trenchard street.

I am concerned that the application would be inappropriate in the location shown since I cannot see the benefit to a conservation area in positioning a mobile unit

where it is going to generate a lot of rubbish, waste and noise which will affect the setting and amenity we enjoy.

There are active pubs and restaurants nearby which are established premises, rate paying with waste collection strategies in place and I cannot see why there is a need for this food van.

Similarly, there are many empty shops / units nearby, if the applicant wants to set up a permanent unit on Denmark Street or Park Street then that would be more in keeping with the heritage setting and re-generation of the local community.

I am concerned the historic buildings nearby will be affected negatively by the food van and rats and other vermin will flourish which the owner will take no steps to address.

Representation 9

Further to your recent correspondence re the above dated 10th April 2015, only received 17th April 2015. I am writing to object to both applications due to the problems that arose the last time an application of this sort was granted in the area i.e. food thrown all over the streets and also in our garden area, grease smells creeping into the premises through no proper ventilation. Litter dumped everywhere again including our garden and car park areas. Excess noise due to customers hanging around the streets rather than leaving the area immediately causing a disturbance. It was an absolute nightmare and I cannot imagine what it would be like having two vans parked more or less side by side.

BLU-FIRE SMOKE 'n' GRILL

Response to Objections:

We have carefully read and considered every objection to our application and set out our responses below.

Suitability of Trading Unit

Firstly we're not proposing to use a 'Burger Van' at any time should a licence be granted. Our proposal is for a kiosk, which will hopefully be delivered and sited by the manufacturers. This is the type of kiosk that we have in mind:



Such a structure would enhance, rather than diminish the surrounding location.

Secondly, we would like to reiterate the primary purpose of our application which is to sell food and soft drinks, not alcohol.

We would respectfully submit that the late evening issues of anti-social behaviour that has fuelled these objections, are primarily related to alcohol consumption.

Without wishing to be patronising, it is necessary to consider and understand how alcohol impacts the body, because, whilst there are many variables that affects how each individual will react to alcohol, there is one common factor that affects the majority of people, and that is consuming alcohol when hungry. In an article 'Know your Limits' by the Public Health Agency, it states that:

"The alcohol you drink travels to your stomach. Unlike food, alcohol doesn't need to be digested and can pass quickly and easily into the bloodstream (**about 20% of the alcohol that enters the stomach is absorbed immediately**)". How quickly alcohol is processed in your body and the amount that stays in your blood is affected by many different factors, including **whether or not you've eaten. Food slows down the rate of absorption** - that's why alcohol affects you more quickly on an empty stomach".

The Hatchett Pub and the O2

Until very recently, Mr White worked at the O2 as a Frontline Security Guard and has first-hand knowledge of all the issues raised in the various objections.

The O2 does not provide any restaurant eating facility. The Hatchett pub offers alcohol at cheaper prices than the O2. It is the O2's policy that attendees are not allowed re-entry if they leave the venue because historically, those attendees would visit The Hatchett Pub for cheap alcohol thereby reducing O2's revenues.

Most of the visitors to the O2, which is the primary venue for alcohol consumption, are not local and have often travelled for several hours to get there, or they arrive directly from work/college/university, etc, and have often not eaten prior to their arrival and are just keen to get ahead in the queue. On arrival, most of them are unfamiliar with the eateries around the local area. This was witnessed first hand by Mr White during every weekend that he worked at the O2. Often, throughout the evening he would be asked for directions to the nearest place to get something to eat. There was a steady stream of people leaving for this reason. Others, who didn't wish to be refused re-entry, stayed and got drunk. Some more quickly than others. There will always be those who simply want to get drunk on a night out whatever the state of their stomachs.

So, having a 'Kebab Corner', as one resident so eloquently describes it, out of sight of the venue only becomes important at the very end of the evening, after much alcohol consumption when the inebriated will stumble around either trying to find something to eat or are too incapacitated to care. It is primarily at this stage that most of the alcohol related anti-social behaviour arises.

Making food readily available from our catering unit throughout the evening will very likely help to minimise many alcohol fuelled problems associated with the vicinity.

Suitability of the Applicants

We currently run a small catering business serving food at the St Nick's weekly Wednesday and Friday Food Markets and the Harbourside Market. Mr White holds a **Level 3 Food Hygiene Certificate** and I am in the process of completing mine. We hold a '**5 Star**' rating for hygiene from the Bristol City Council, and are very much up to date with **Health and Safety Legislation**.

Before entering Catering and Hospitality, I worked in the legal profession for over 25 years; Mr White worked in manufacturing and he now holds a frontline SIA badge in security. All our food is freshly prepared and cooked by ourselves. Our menu will be fully inclusive of both meat and vegetarian dishes.

We have compulsory public liability insurance cover up to £10,000,000. Mr White will make enquiries with SIA about additional insurance that will enable him to personally act under his SIA Frontline badge in terms of security around the general location of the unit.

Licensing Hours

We have no desire to undermine local residents' quality of life. **So, as a compromise, we'd like to amend the application for our weekday trading hours for Monday to Thursday, to between 5pm and 11pm.** The weekend hours from Friday to Sunday to remain as requested and which is in line with the late night trading hours of several local businesses.

Public Safety

The proposed location of the activity does not present any significant risk to the public in terms of highway safety and obstruction. The only requirement from the Highways department is that there should be a two metre allowance along the frontage of 30 Orchard Street.

The Police have not contacted us about the applications which would suggest that there are no greater safety issues than already exists.

Anonymity for the Charity's Clients (we assume that this is The Harbour), is unlikely to be negatively affected as they are already exposed to the significant foot traffic that already pervades that location. They are, after all, located right opposite the O2! The service hatch of the unit will face the O2 and away from the entrance to that building. Access will not be impeded in any way.

Commercial Need:

Our kiosk will be an excellent addition to a vibrant City Centre in an area of mixed residential and commercial interests. There are only two food outlets in the immediate vicinity with The Hatchett Pub opening until 4am and the Nepal Indian restaurant closing around 11 PM.

The late hours required for trading does not facilitate crime and disorder but alcohol does. Indeed the O2 venue has an operating licence up to 5 AM and there is already a significant police presence in the general area with security guards both internally and externally to the O2 venue. Any question of increased crime and disorder is a matter for the police

On the basis of Mr White's first hand experience of people wanting greater accessibility to food within the immediate locality, there is a real commercial need to make it more readily and easily available. We're looking at tempting people into eating before they start drinking and we would hope that this would produce a real positive benefit generally.

Prevention of Public Nuisance:

1. **NOISE:** Weekday customers are likely to be very local such as the students who reside close by. So there should be no more than the usual very limited disturbance that residents experience now. The new trading hours that we're seeking should also minimise any late night disturbances. It is our intention to connect to mains gas, electricity and water where viable in order to avoid using a generator so we will make relevant enquiries once we know the outcome of our application. Weekend noise is a different issue altogether and which we have no control over. There'll always be people who want to make noise after leaving a night club particularly if they're inebriated. People who are eating do tend to make very little noise even if they're drunk. Policing the area to move on noisy people is beyond our control. In the Bristol Post article referred to below, the police commissioner acknowledged that shrinking resources was a prohibitive factor of properly policing the city centre at the weekends.
2. **FUMES** - Any fumes will be minimal and extracted by a Deodorised Extraction Unit
3. **SMELLS** - Again smells will be extracted by a Deodorised Extraction Unit
4. **REFUSE** - We will undoubtedly have suitable bins adjacent to our kiosk but, you could place bins end to end from here to Lands End, and there'd be no guarantee that customers would use them. Whilst we will endeavour to clear up any rubbish near by, it's likely to be a fruitless task if people are also coming into the area and dropping rubbish as they go. Effectively we'll be spending our time cleaning up everyone else's rubbish. What is required is a waste collection strategy to clean up after people have left the area. We understand that that is already in place with the Council, which is acknowledged by some of the objectors, where the area is cleaned from 6.00 am. It also seems that we've landed in what is a longstanding issue between the Council, the residents and local city centre businesses, regarding the level of waste generated throughout the weekends. Back in 2013, an article in the Bristol Post (10/09/13), highlighted discussions about an "optional business improvement district" or "a late night levy" that would contribute towards cleaning up the late night rubbish. We do not have any recent updates of the current position. Whilst we will endeavour to contain our generated rubbish, the reality is much more difficult as it's a much wider issue than us simply providing extra bins. Nevertheless, we will engage fully with any late night schemes to be implemented to tackle these issues.

5. **VERMIN** - are only likely to be prevalent if refuse is not cleared away timely. This should not be any greater issue than what it is at present with the Council's waste collection strategy in place.

Our first hand experience shows that there is a greater need for food to be more readily and easily available within this location despite the fact that there is a 'kebab corner' close by. If more people can be tempted to eat before they start drinking, then, whilst it would be naive to think that this would significantly eradicate the alcohol fuelled anti-social behaviour that prevails at the moment, it might lead to some reduction of those issues which can only be a positive benefit to that area.

Having regard to the above, we would respectfully request that our licensing application should be allowed.

Colin and Juliet White
3rd December 2015