

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

24 AUGUST 2010

Application for the Grant of Street Trading Consent at:

231 Hillside Road, Bristol, BS5 7PU

Applicant: Samantha Stone

Proposed trading name: Matkaznic Catering

Report of the Director of Neighbourhoods

Purpose of Report

1. To determine an application for the grant of a Street Trading Consent at the following location: Driveway 231 Hillside Road

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 if granted are at Appendix A
4. Photographs of the unit are attached at Appendix B and a site location plan at Appendix C.
5. On 5 July 2010 Samantha Stone applied for a street trading consent which, if granted, would enable the applicant to trade lawfully at the above location. The applicant applied to sell the following goods

Hot Food.

During the hours of **07:30 - 15:30**

From **Monday to Friday**

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

Bristol City Council – Councillor

Avon and Somerset Police

7. Consultation Responses

The following responses have been received.

Appendix D - Residents

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. Mrs Stone has been provided with a copy of the report and have been invited to the meeting.

RECOMMENDED the committee is asked to determine the application

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985
Background papers

Contact Officer: Mr Mark Flower , Licensing Officer,
Neighbourhoods

Ext: Telephone 01179142500

APPENDIX A

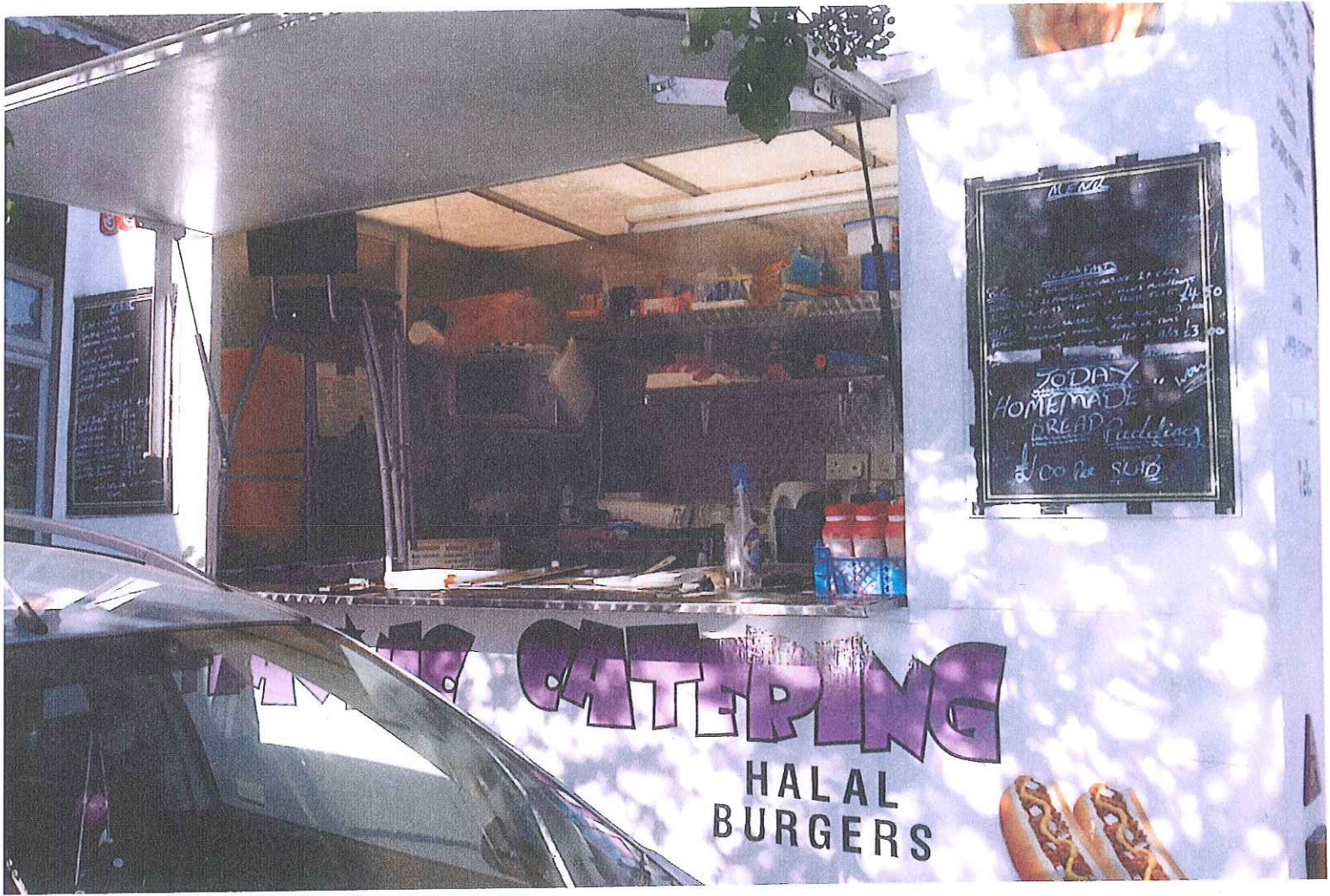
GENERAL CONDITIONS THAT WILL NORMALLY BE ATTACHED TO STREET TRADING CONSENTS

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



APPENDIX C





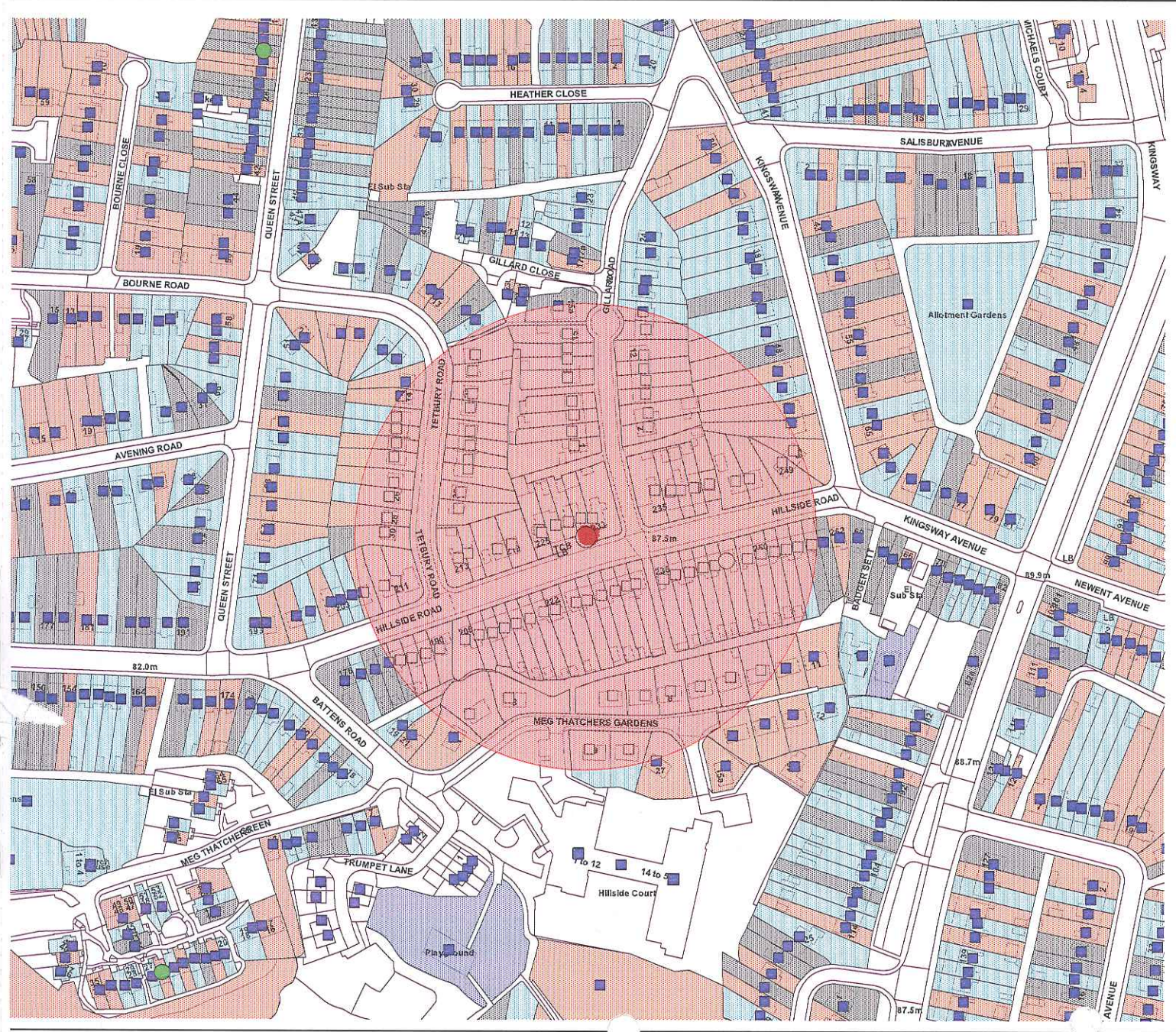
Matkaznic Catering

231 Hillside Road.

LEGEND

Licensing Points

- CLUBPR
- COLH2H
- COLSTR
- GAAGC
- GABETO
- GABING
- GACAS
- GACMP
- GAFEC
- GALAMA
- GALAMP
- GALOTT
- HYPNO
- LAPER
- METSAL
- METSCR
- PEL
- PREM
- PRNIP
- STCON
- STLIC
- TENS
- TXHCD
- TXHCDA
- TXHCDR
- TXHCV
- TXPHD
- TXPHDA
- TXPHO
- TXPHV
- Default



Scale: 1:2500

Organisation	Not Set
Department	Not Set
Comments	
Date	05 July 2010
SI A Number	Not Set

APPENDIX D

27.7.10

Bristol City Council	
Application	
Reference	
Submitted	
Approved	
Refused	



Mark Flower
Licensing Officer
Licensing Team
Princess House
Princess Street
Bedminster
Bristol BS3 4AG

Dear Mr Flower

Ref - Street Trading Consent Application 10/01882/STCON

I refer to your letter of the 15th July regarding the license for street trading on Hillside Road.

I believe the trading of hot food from a trailer in a front garden is inappropriate in a residential area and I am objecting to the license on the following grounds.

- There are already providers of hot food in this street
- There is no provision for disposal of litter and there are already issues with large amounts of litter collecting in gardens from the existing businesses
- The road is quiet although during school run times there is a high volume of cut through traffic. There have been several knocks to cars parked on the street where passing cars are squeezing through gaps. The increase in traffic through the street and potential customer parking is likely to increase the number of vehicles damaged
- I note the trading hours are within school hours and any pedestrians are likely to be at risk from increased traffic
- There are already parking issues on the street which cause disharmony among neighbours and traders. Unfortunately both traders and their customers are parking on the street reducing spaces available for residence. This problem can only increase with additional traders and customers
- I am also concerned that if this license were to be granted there would be a precedent set which would allow further street trading and extended hours of any traders on the street

These potential problems are exasperated by the fact that there is nowhere for customers to eat or drink what they have bought. This is a street where families live and I do not want to see the profile of the street change. I ask that this license is not granted.

FAO Mark Flower
Bristol City Council
Licensing Team
Princess House
Princess Street
Bedminster
Bristol
BS3 4AG

Bristol City Council		
Licensing	Date	Unit

Dear Mr Flower

Re: Application ref number: 10/01882/STCON
Proposed location: Driveway 231 Hillside Road, Bristol BS5 7PU

Further to your letter dated 15 July 2010 regarding the above, I would like to oppose the application and make the following points:-

1. Parking for local residents living in Hillside road is already a major problem, especially for those living within close proximity to the rank of shops adjacent to 231 Hillside Road. Residents access to driveways is frequently blocked by people parking their cars in front of them whilst using the shops, and several altercations have occurred between residents and drivers. I believe that this application would increase this problem, particularly in the mornings when the street is busy with deliveries to the shops and during rush hour traffic. Also, Hillside road is now a very busy road with no traffic calming! People drive down the road at considerable speed and another concern of mine is that increased traffic will result in increased speed. There is a primary school at the end of the road, and, there has already been a number of "near misses" where children have come close to being hit by speeding cars. In my opinion it is only a matter of time before there is a fatality on Hillside Road.
2. Litter is also a big problem for local residents especially for those within close proximity to the rank of shops adjacent to 231 Hillside Road. Although there is a bin outside the newsagents, people, mainly children using the shops on the way to school, are often seen discarding their rubbish in the street. My main concern is that food wrappers, as well as unfinished food will be thrown down in the street, and will result in increased problems with vermin such as foxes, rats etc. and consequently this will become a health hazard. As the wheelie bins are only emptied on a fortnightly basis, I am already struggling to cope with the litter that I pick up from my driveway on a daily basis. Any more, would result in overflowing bins, which again, could become dangerous to peoples health.

3. Crime in the area has increased over the last couple of months in Hillside Road and there have been burglaries recently. A hot food trailer would just encourage more people to hang about the area during the day when the majority of residents are at work. Gangs of youths often congregate outside the newsagents, and, although the majority are harmless, there have been incidents in the past between residents, shop owners and gangs. Recently, the police were called to one such altercation between a group of youths and a shop owner.

Finally, I would just like to say that I am unable to understand how this application could even be considered by the Council as I cannot imagine how a driveway on a busy main road would be considered a suitable plot for a Hot food trailer, especially as there is already hot food available from the Chinese takeaway adjacent to the proposed site.

I hope you take note of the above points when considering this application.

Yours sincerely

The Licensing Office
Princess House
Princess Street
Bedminster
Bristol
BS3 4AG

Dear Sirs

Application Ref No. 10/01882/STCON

We the undersigned residents of Hillside Road, St George, Bristol refer to the above street trading application and wish to formally raise our objections as set out below. We would ask that each signature be taken as a separate objection in your considerations. In setting out our objections we refer to the Bristol City Council's factors that are taken into account when determining an application for street trading consent as stated on your website.

Commercial Need

Immediately next door to the proposed site at no 229 Hillside Road there is a Chinese takeaway that sells fish and chips and other English and Chinese take away foods during the lunch hour (12 – 2) and evenings 5.30pm – 11.00pm and have been serving the community in this regard for many years.

In addition 3 doors down there is a general newsagent/convenience store which sells hot sausage rolls, pasties and other pastries during the day time.

This is a residential street. There are no office premises nearby, no secondary schools or factories. We consider that any requirement for hot food is more than adequately served by the above shops.

We do not wish to have the smell of fried food in the street first thing in the morning and we consider this to be both unwelcome and unnecessary.

The application is to trade between 7.30am and 3.30pm. During the day time, particularly after 9.00am the street is relatively quiet and there is insufficient trade to justify the grant of a licence.

Public Safety/Prevention of Crime and Disorder

We consider that there will be increased congestion regarding car parking on the street. The Applicant's household currently has at least 4 vehicles in addition to the

burger van and if the licence were granted the nearby neighbours would be greatly inconvenienced. Reasonable parking protocol has been observed on the street in that each home owner parks one vehicle in front of their own home which is observed most of the time. If the licence were to be granted it is more than likely that the applicant's household would then park in front of their neighbour's homes without any consideration to inconvenience caused to the neighbours who would then lose the privilege of parking in front of their own homes.

This would present a risk to public order as this is likely to lead to ill feeling, acrimony and arguments between neighbours with possible police involvement. This is not in anyone's best interest as everyone just wishes to live in peace on the street.

There would also be increased rubbish in the streets.

In addition we are concerned that whilst the application at this stage may be for the hours 7.30am – 3.30pm, this is the thin edge of the wedge and if granted a further application may be made later on extending the opening hours until late into the night. This we fear would attract groups of youths to the area, increased noise, rubbish and disruption generally to our street.

Suitability and Produce Type/Suitability of the Trading Unit

The Council's policy states that you will take account of the types of products sold and the suitability of the products at the location requested.








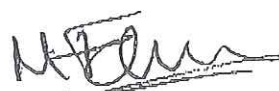



Hillside Road is a residential street of owner occupiers. We do not consider that selling chips and burgers and the like from a burger van is suitable products for our street or the area. We consider that there is a real risk that this type of activity will serve to devalue the properties, at least those in the immediate vicinity.

Further the burger van in question clearly advertises that it is a mobile unit available for markets, car boot sales, fairs and the like. There is clear intention in the mind of the applicant that this was never to be a permanent fixture in their drive to serve the public on a residential street. There are plenty of venues, markets and lay bys in and around Bristol where the van can operate from with greater commercial success than our street.

Further your policy also states that the trading unit "shall be of a high quality design and build and add to the quality of the street scene". We fail to see how a burger van, whatever the design, can ever add to the quality of the street scene of an owner occupier residential street and we believe it fails to satisfy this criteria.

We further understand that it is only because the unit is 'on wheels' and not connected to mains services that planning consent is not required. A planning application would almost certainly fail for such a change of use in this residential context and it would be ironic if the anticipated reasons for such a hypothetical refusal were not taken into consideration in determining this application. We are confident they will be.

In conclusion we, the undersigned, would ask that the Council take into account the objections as set out above and use its discretion to reject the applicant's request for a street trading licence under the above application number.

Name:	Signature:	Address
1. M. CAMPBELL		226 HILLSIDE RD
2. A MORGAN	Am MORGAN	224 HILLSIDE RD. 222
3. M De Vito		218 — " — "
4. V BRYANT	V Bryant	220 — " — "
5. J AMOS		228 HILLSIDE R?
6. N. McINTOSH.		228 HILLSIDE RD
7. K. SAUNDERS		214 Hillside Rd
8. L. James		215 HILLSIDE RD.
9. B MOSS	B Moss	234 HILLSIDE RD.
10. N FERRIS		234 HILLSIDE.
11. M FERRIS		230 Hillside Rd
12. C. LAYER	C. Layer.	229 Hillside Rd.
13. Khen Ung		229 Hillside Rd.
14. James Ung		229 Hillside Rd.
15. In Fong Lay		115 Kingsway

Dear Mr Flower

**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 STREET TRADING
CONSENT APPLICATION**

**Proposed location: Driveway 231 Hillside Road, Bristol BS5 7PU. Application ref no.
10/01882/STCON.**

I would like to object to the above application on the following grounds:

Hillside Road is a residential road and trading of a burger van is not with keeping of the area. Selling food from a burger van is more appropriate at festivals and events.

I am concerned about the smell of cooking food filtering from the van into nearby houses.

I am concerned about the extra rubbish which will be littered in Hillside Road and nearby side streets and potential for vermin to be attracted to the area (there is currently no litter bins situated in Hillside Road)

There is currently limited parking spaces in Hillside Road and this could make parking even worse and would create more nuisance.

I am concerned that if this application is granted it could lead to other properties in the road making similar applications, again Hillside Road is a residential road, not a festival site.

Please can you consider the above objections when deciding this application.



Bristol City Council

Licensing	Date	WH
Validator		
Recorded		
Scanned		

Bristol City Council		
Licensing	Date	init
Validated		
Recorded		
Supplied	10/01882/STCON	



Application ref number

Ref: Application for street trading consent on Driveway 231 Hillside Road.

I am writing in regards to the above application. As a local residence I strongly disapprove of the idea of a food trailer operating in the area.

With currently a chinese takeaway and newsagent in the area selling food I do not feel there is any need for another food business in the area. Besides this, my main concern will be the fumes that the food trailer will produce. It will no doubt provide me the air with a smell that I will not particularly favor. In addition I believe it will promote an increase in of litter in the area. which as a result will attract pests. As a taxpayer it will no doubt result in me paying to get the council to make extra visits to clean the street.

I hope I have expressed my views clearly to how I disapprove of a street trading license to be issued. Thank you for your time in addressing this letter.

Yours faithfully

local resident of Hillside Road.

Bristol City Council		
Licensing	Date	init
Validated		
Recorded		
Supplied		

Bristol City Council		
Licensing	Date	Init
Validated		
Recorded		
Scanned		



Dear Sir,

Re:- Application ref. number 10/01882/STCON for proposal for Street Trading consent at 231 Hillside Road St. George Bristol BS5 7PS to sell Hot Food.

In respect of this application we strongly object to this.

This is a residential area and we feel that having a Chinese Take Away across the road next door to the proposed application which opens six days a week and a Paper Shop two doors down which opens from 7am-8.30pm selling hot food and drinks we feel there is no need for this.

We are not close to any building sites, offices or schools etc. to warrant it.

We for one do not want to smell the cooking of chips, beef burgers etc. for that amount of hours every day from 7.30am-3.30pm.

As far as we are concerned Snack Bars should be pitched in lay-byes or near to big outlets not on a driveway in a residential area.

Also we feel that it would lower the area and de-value the properties in close vicinity.

One question that needs to be asked is where are people going to park up and also eat the food. At the best of times this is a very busy road for through traffic also people stopping for the Paper Shop and Chinese Take Away it is hard to park a car let alone people sitting around eating food.

We also get enough rubbish blowing into the gardens already from the Shops and Chinese Take Away we do not need any more.

We hope when making your decision on this proposal you will take our comments seriously.

Yours faithfully,

Bristol City Council		
Licensing	Date	Init
Validator		
Recorder		
Scanned		

BY POST & EMAIL

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

License Application for 231 Hillside Road, St George, Bristol

Dear Mark Flower

I write to object to the street trading application for fast food take-away van made for the front garden of the property listed above. My objections are that this is inappropriate in this quiet residential area because:

- There is no street trading established in this area.
- It is inappropriate for this activity to be established in a residential front garden.
- There is inadequate service infrastructure, e.g. it is not possible for the mechanical ventilation required can be provided. (The adjacent Chinese take-away is within a properly modified premise and has the necessary flue extract ductwork at the rear.) Therefore I object to the pollution.
- There is currently no passing trade to support a fast-food van and I object to an increase in this type of traffic through this family residential area. There would be unacceptable Highways issues. I object to the increased traffic.
- The van would not be acceptable in Town Planning terms. (The Planners don't even accept new roof dormer windows at the front of the properties in this area.) I object to the inappropriate activity for the neighbourhood.
- I raise concern about the safety of pedestrians and vehicles. I object because there is insufficient parking because many driveways have reduced the on-street parking availability.
- I object to the potential waste, e.g. purchasers dropping litter nearby – as this is already an issue to us as nearby rear lane is a footpath with a public right of way.
- I object to the noise created.
- I question whether the deeds of the property permit commercial activities and I expect that the Planning Authority would require a change of use approval.

Please can you confirm receipt of this letter and keep me update on the outcome of the license application.

Yours faithfully



Application ref: 10/01882/STCON

I wish to register that I strongly object to consent of a Hot Food Trailer being sited and used at 231 Hillside Rd, Bristol, BS5 7PU. My property is very close to this proposed site (approx' 20 yards) and I do not want the smell of burgers in my garden every day. 231 Hillside Rd is a residential property not a business site. This application would not even be considered if it was at any other location other than next to a shop. I have a young family and if need be I will take my objection as far as I need too.

Yours sincerely



Dear Sir

In regards to the Street Trading application for 231 Hillside Road driveway I would like to say I do strongly oppose the so said application. There are so many reasons i.e firstly the safety for all the school children that go up and down Hillside Rd plus the amount of traffic that use this Road. Also the amount of motor vehicles at this address for street trading it has every likelihood of causing serious accidents to these children. There happens to be by this address a Newagent that happens to sell hot food, a Chinese fish + chip shop, also a florist. I sincerely hope you the Council look at this area and do see the danger it could cause and refuse this application. The place for these hot dog + Burger vans or trailers is on Industrial Unit sites or on two lane stretches of road not on a driveway of a house that will be causing obstruction's

STREET TRADING CONSENT INTERESTED PARTY REPRESENTATION

RECEIVED VIA EMAIL AT THE LICENSING OFFICE ON: 28 July 2010

RE: Matkaznic Catering, 231 Hillside Road

Dear Sir/Madam

We are writing to oppose the above application to trade from a food trailer on the driveway of 231 Hillside Road, Bristol BS5 7PU.

We feel that the possible increase in traffic is a risk to our children. It is always difficult to find a parking space on Hillside Road, so an increase in traffic will cause numerous problems to residents trying to park near their homes. We believe that 7.30am is a ridiculous time to propose to begin trading. Our road is full of commuters/parents using it as a "rat run" from 7am, and it is always impossible to cross the road safely with our children, and this situation would become worse with an increase in traffic from this food trailer. Also during school holidays etc I can imagine the noise of the people using this trailer would wake our children up.

The house in question (231 Hillside Road) already has at least 3 vehicles (with only parking for 2 of these as far as we know), so where exactly do they propose their customers park? This is a totally ludicrous idea and we fully object to this application.

We are also concerned of the potential impact on local businesses – the premises adjoining 231 Hillside Road is a takeaway (which opens at lunchtimes). We cannot see the need for this food stand. Already we have horrendous problems with litter from the takeaway and the newsagents' a couple of doors away as there is no litter bin outside the small rank of shops. We are constantly removing litter from our front garden, and our back garden is not immune to the problem as youngsters buy food from these premises and take it to be eaten in the lane at the rear of our house. This can lead to anti social behaviour, and of course an increase in litter, thus having an environmental impact too. We also think that this trailer serving food would "cheapen" the area. House prices are already low, and we are concerned regarding the potential attraction of vermin to this area.

There are also two cafes within half a mile of this location; one on Two Mile Hill Road and one at the Kingsway shopping precinct that are both established in selling hot food during day-time hours. This application seems a strange request and we cannot understand the logic behind it. Please do not agree to this application!

STREET TRADING CONSENT INTERESTED PARTY REPRESENTATION

RECEIVED VIA EMAIL AT THE LICENSING OFFICE ON: 21 July 2010

RE: Matkaznic Catering, 231 Hillside Road

Reference: 10/01882/STCON

Please accept this as a denial for the above application. The following reasons are as follows:

- As this is a residential area, we do not feel that having a fast food van is neither required nor acceptable. As far as I am aware, we are not on a trading estate.
- Having such a van in our road will bring the prices down of our properties.
- The opening times will inevitably be extended in the future and we do not want groups of drunk people loitering in our road at night.
- The house that the van sits on has had rubbish and a broken down car out the front for years. With this health hazard in mind and the amount of rubbish that could be generated will be littered around the road, not to mention the rats.
- We already have a convenience store and takeaway in the street that already sells such food and covers all the hours required.
- Parking will also become an issue.

STREET TRADING CONSENT INTERESTED PARTY REPRESENTATION

RECEIVED VIA EMAIL AT THE LICENSING OFFICE ON: 26 July 2010

RE: Matkaznic Catering, 231 Hillside Road

Dear Sir

I am writing to object the proposed hot food trailer that will be placed on the driveway of 231 Hillside Road BS5 7PU.

Firstly I would like to state that there are already many food outlets that are located in and around this area. This therefore creates a lot of waste that covers the street, making the street dirty and unpleasant. By adding another food source, it will only create more waste, that me and my neighbours have to pick up from our driveways in our spare time. This is not only atrocious but also horrible and dirty to have to pick up someone else's waste.

Secondly, our road is very busy as it is used as a cut through at peak times. We have two schools that are extremely close to one another and the traffic causes numerous amounts of problems for the children. We have already had an accident that has resulted in death due to the busyness of the road. Furthermore, we find it hard to park our cars. Hence, by adding the hot food trailer it will create an impossible task for the residents to park their vehicles outside their own house. This is unfair to the residents that live across or near the shop.

Lastly, the thought of massive Lorries driving up this small, diminutive road is horrible. It will not only increase congestion but it will also cause chaos at the time when children leave for school. Children will become frightened due to the deafening noise and the vast size of them. This idea is not appealing so supports my argument of why it is an appalling idea to have an fast food trailer in my local area. Also the trailer will not promote healthy eating, that is now taught within schools. There are already too many fast food shops, and to add another one will only add to the idea that eating unhealthy is fine, hence causing health problems within the younger community.

I sincerely hope that you take into account the points that I have put forward in this letter. I strongly disagree with this prospect and I feel that it will not succeed due to the large competition within this area, making it pointless and not worthwhile.