

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

20 OCTOBER 2010

Application for the Grant of Street Trading Consent at:
Kilburn Street, Bristol, BS5 6AW

Applicant: *Jane Phillips*

Proposed trading name: *Kalabash 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: *Kilburn Street, Bristol, BS5 6AW*

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 17 August 2010 Jane Phillips 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, Sandwiches, Drinks etc.
During the hours of 12:00 - 23:00
From Friday and Saturday*

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

Appendix E - Nearby businesses

Appendix F - Other agencies
Bristol City Council – Highways officer

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. Ms Phillips has been provided with a copy of the report and has 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

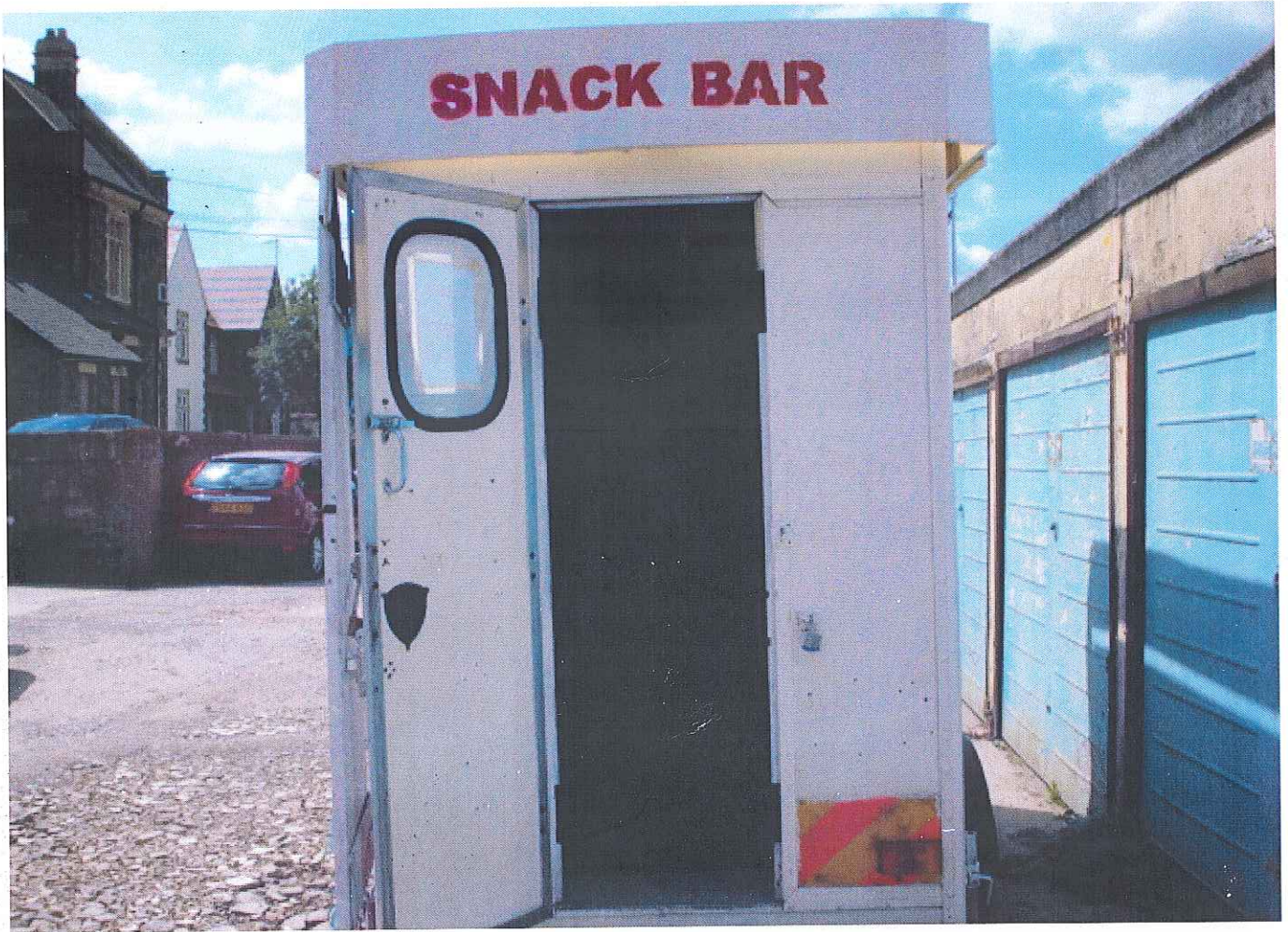
GENERAL CONDITIONS THAT WILL NORMALLY BE ATTACHED TO STREET TRADING CONSENTS

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 stationary 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



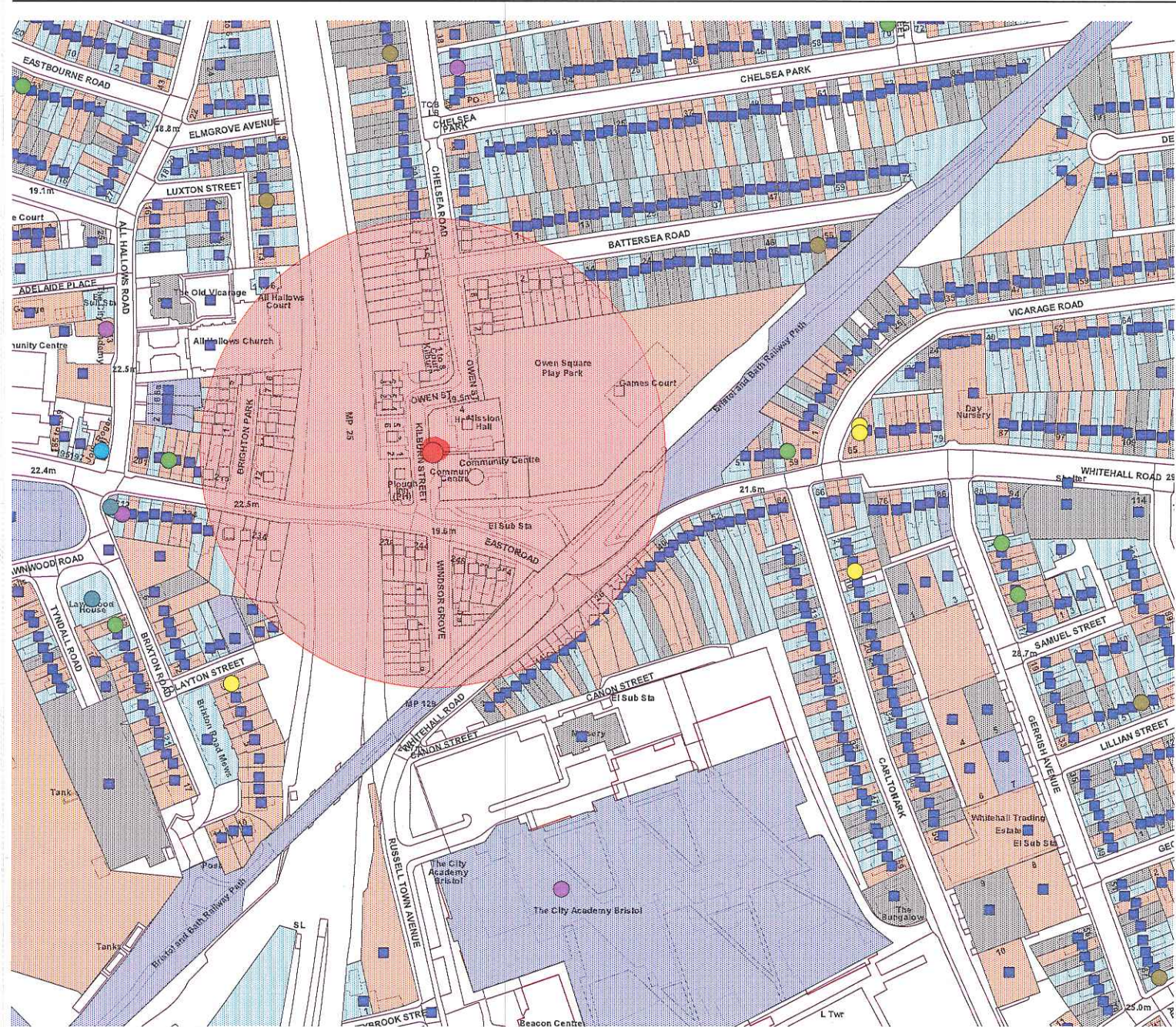
Kalabash Catering

Kilburn Street

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	18 August 2010
SI A Number	Not Set






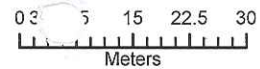
Jane Phillips- Kalabash Catering, Kilburn Street



Legend

2008 Aerial Photographs
RGB

-  Red: Band_1
-  Green: Band_2
-  Blue: Band_3







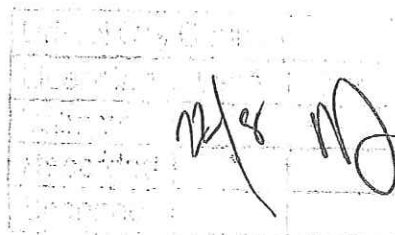
APPENDIX D

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



22 August 2010

Attn: Mr M Flower – Licensing Officer



Dear Sir,

Re: LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 STREET TRADING CONSENT APPLICATION REFERENCE NUMBER 10/028/STCON

I cannot conceive why a Street Trading Consent Application to place a Catering Trailer in Kilburn Street has not already been rejected. It would offer no benefit to Residents in the vicinity and promises to cause them considerable nuisance by exacerbating traffic congestion, possible additional noise and providing a potential source of litter (on the street and within the boundaries of residential properties).

Easton is already well-provided with sources of take-away food. There are no less than three take-away food outlets in permanent premises within 200 metres of Kilburn Street: Lucky Chef and Maxin Chicken in Easton Road, plus Easton Take-away at 87 Chelsea Road. On Friday and Saturday evenings, these are supplemented by a Catering Trailer offering Caribbean Foods at the junction of Brixton Road and Easton Road. It should also be noted that Café Inc in the Easton Community Centre, immediately adjacent the proposed location for Kalabash Catering's trailer, already offers sandwiches, light snacks, hot and cold drinks until about 1600 on Fridays. Furthermore, an impressive array of reasonably-priced take-away foods is available from the shops and restaurants in and around St Marks Road, which is less than five minutes' walk from Kilburn Street.

The detail of the application for street trading consent does not make clear the precise nature of the food that Kalabash Catering proposes to purvey, but if its repertoire is intended to include beef burgers and bacon butties, it would be rather insensitive to allow it to operate in close proximity to Easton Mosque. It seems more than probable that the aroma of such cooking would permeate the Mosque during its prayer meetings.

With regard to the physical presence of the Catering Trailer, it is unclear whether the intent is to: leave it at 1200 on Fridays, then remove it at or after 2300 on Saturdays; keep the tractor vehicle by the trailer while it is serving food and move it at or after 2300 on Fridays and Saturdays; or remove the tractor vehicle after it has left the trailer at 1200 on Fridays and Saturdays then bring it back to collect the trailer at or after 2300 on Fridays and Saturdays. What is clear is that at least part, if not all, of the parking bay in front of Easton Community Centre would have to be sacrificed

to Kalabash Catering on those days. Not only would the road be temporarily blocked while the trailer was manoeuvred into the parking bay but also its presence would be likely to interfere with the delivery of Organic Vegetable Boxes to the Community Centre on Friday afternoons, which benefit at least some Local Residents.

It would definitely exacerbate the pressure on parking space and the traffic congestion which occurs in Kilburn Street, Owen Street and Chelsea Road. These roads are comparatively narrow. Cars are frequently parked on both sides, often inconsiderately, particularly when prayer meetings take place (several times a day) at Easton Mosque and during the opening hours of the Chelsea Inn and the Plough. This narrows these roads to the extent that vehicles travelling in opposite directions cannot pass each other and the 'dog-leg' formed by Kilburn Street, Owen Street and Chelsea Road frequently becomes grid-locked. Loss of the parking bay to an unnecessary, unwanted Catering Trailer is entirely undesirable.

There is inevitably some noise nuisance due to the hostelrys named above, which has to be tolerated if one chooses to live within their vicinity. However, the presence of a catering trailer immediately opposite a public house (i.e. the Plough) could potentially lead to noisy gatherings on the open street, thereby increasing the noise nuisance to its neighbours. Should the catering trailer be tempted to remain open beyond its licensed hours, there is also the likelihood that customers leaving the Plough would not disperse so rapidly and thus extend the duration of on-street noise nuisance.

Finally, casual observation suggests that customers of catering trailers have a tendency to be inconsiderate when disposing of the litter associated with their purchases. Easton may not have the cleanest streets in the United Kingdom but I, and doubtless other Residents, will not welcome an additional source of litter nuisance that might disfigure our streets (or the frontages of our properties).

For the reasons cited above, I am opposed to grant of street trading consent to Kalabash Catering.

APPENDIX E



Mark Fowler
Licensing Officer,
Licensing Office,
Princess Street,
Bedminster,
Bristol
BS3 4AG

Bristol City Council		
Licensing	Date	Init
validated	27/8	mfj
Recorded		
Scanned		

24th August 2010
Our Ref: 001
Your Ref:
Direct Line: 07740 394655
glord@maygurney.co.uk
10A Chelsea Road,
Easton, Bristol, BS5 6AF

Dear Sir,

Application Number: 10/02837/STCON Proposed Hot Food trailer on Kilburn Street

I am writing to oppose the street trading consent application on the basis of the following reasons:

- This residential area is already affected by loud music and people leaving the Plough pub up to 4:00 in the morning. There is often loitering outside the Plough Pub and new park adjacent to the community centre. I feel that this Hot food establishment (Kebab Van) will be open past the hours of 23:00 to cater for people leaving the Plough which will create more loitering, increased traffic and disturbance on Friday and Saturday night.
- The new playground that has been recently renovated is used by families and small children. Glass and receptacles are smashed in this area creating a dangerous environment for children.
- Further to this we already have a problem with litter and vermin on Chelsea road which has meant additional street sweeping. Myself and others on Chelsea road have had problems with rats getting into our properties and the additional litter and food could quite well contribute to this problem.

I hope you are sympathetic to my circumstances as I feel we need to try and improve the area not make it worse. Should you have any queries please do not hesitate to contact me.

Yours faithfully,

Giles Richard Lord
Site Agent

STREET TRADING CONSENT INTERESTED PARTY REPRESENTATION

RECEIVED VIA EMAIL AT THE LICENSING OFFICE ON: 23 AUGUST 2010

RE: Jane Phillips- Kalabash Catering, Kilburn Street

Dear Licensing Authority.

We the Young Mothers Group Trust seriously object to the proposal for a street trader on Owen Street/Kilburn Street.

These 2 roads are tiny and nearly every day – drivers come to blows because of the narrowness and parked cars sprinkled with the obvious car rage.

Every Friday after prayers at Bristol Central Mosque the road is blocked and tensions run extremely high.

Another large vehicle will only cause mayhem in these two tiny roads.

Whilst we are all about free enterprise – this is the worst place ever to pitch up a takeaway van in our humble opinion.

Vanessa McLean
Project Manager
Young Mothers Group Trust Ltd
Kilburn Court
3 Owen Street
Easton
Bristol
BS5 6AP
0117 9540020

STREET TRADING CONSENT INTERESTED PARTY REPRESENTATION

RECEIVED VIA EMAIL AT THE LICENSING OFFICE ON: 17 SEPTEMBER 2010

RE: Jane Phillips- Kalabash Catering, Kilburn Street

Dear Licensing Authority

I am the manager for the Asian Day Centre based at the rear of Easton Community Centre, we are a day centre for the South Asian Elderly people of Bristol and South Gloucestershire.

I can confirm of behalf of our membership of 120 elders and myself that we strongly are against this application for a food trailer. We already suffer from traffic congestion, youth loitering, illegal car parking and fly tipping in our SITA bins. Our members will also feel vulnerable with public standing around the food trailer, and also it will become a matter of PEST control with food when some people start to dispose of unwanted/ uneaten food in the area.

Kind regards

Amarjit Singh

We are a Day Centre for the South Asian elderly people from the age of 55 and over

Asian Health and Social Care Association Ltd
Kilburn Street
Easton
Bristol
BS5 6AW



Easton Community Centre
Kilburn Street
BS5 6AW
0117 954 1409



September 23rd 2010

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

Dear Mark Flower

Application ref 10/02837/STCON - Kalabash

Thank you for sending notification of the application by Kalabash for consent to place a trailer selling hot and cold food and drinks on Saturdays and Sundays on Kilburn St. I apologise for the delay in responding to your notice.

On behalf of Easton Community Centre, I wish to object to the application, and urge you not to give consent on the following grounds –

1. The traffic along Kilburn Street can get very congested. It is a very short street with a right-angled bend that connects Easton Road and Chelsea Road with Easton Community Centre, Central Mosque, a pub, a hostel for young mothers and babies and 12 flats all vying for parking spaces over and above the 6 spaces shared by the mosque and the community centre. The street has been identified by Easton and Lawrence Hill Neighbourhood Forum as needing a review of traffic arrangements, as vehicles frequently get backed up along Chelsea Road and Easton Road. It is particularly congested on Fridays, when the mosque is heavily used and on Saturdays when events take place at the community centre. The presence of a food trailer would further exacerbate the situation.

2. The application is not absolutely clear where the applicant aspires to park the trailer, but presumably it would be in the parking bay on Kilburn Street right outside the front of the community centre. This bay is used 5 days per week, including Fridays, as a minibus and taxi dropping off and pick up point for the Asian Health and Social Care Association operating in Easton Community Centre for South East Asian elders, and the Evergreens club, many of whom are very frail and infirm. In the past, the bay has been used (I think without permission) by a food van, causing fumes and noise from the generator and cooking fat to pollute the surrounding area including the community centre.
3. There is a park behind the community centre and mosque heavily used by parents with small children, who frequently have to step off the pavement with their buggies because of vehicle obstructions. A parked trailer would make it even more difficult for them to navigate safely.

Thank you for the opportunity to comment

Yours sincerely

Liz Jones, Centre Manager.

Liz Jones

APPENDIX F

**STREET TRADING CONSENT
INTERESTED PARTY REPRESENTATION**

RECEIVED VIA EMAIL AT THE LICENSING OFFICE ON: 07 SEPTEMBER 2010

RE: Jane Phillips- Kalabash Catering, Kilburn Street

Kilburn St - Thought this application may have been off-highway in the community centre car park. Not suitable on road or footway as this will impede access/parking outside the community centre. Not sure how much the Community Centre is used or whether they have raised concerns.

Phil Cotham
(Highway Licensing/Enforcement
Tel 0117 922 3209)