

AGENDA ITEM NO. 6

BRISTOL CITY COUNCIL PUBLIC SAFETY AND PROTECTION COMMITTEE 19 APRIL 2011

Application for the Grant of Street Trading Consent at Pavement Area Outside, 100 Temple Street, Bristol
Applicant: Mr Robert Warren
Proposed trading name: Food Warren

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: Pavement Area Outside, 100 Temple Street, 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 consent 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 12 January 2011 Mr Robert Warren 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

Hot Food :

During the hours of 06:30 - 15:00 From Monday to Friday

6. This report was presented before members on 29 March 2011 when members heard comments from objectors and resolved to defer the matter until today's meeting to enable a site visit to take place.

Consultation

- 7 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

8. Consultation Responses

The following responses have been received.

Appendix D - Nearby businesses

Appendix D1 Additional Information regarding
Land ownership

Appendix E - Bristol City Council – Highways officer

9. 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 consent 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 stationary 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. Mr Warren 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 0117 9142500

Appendix A

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

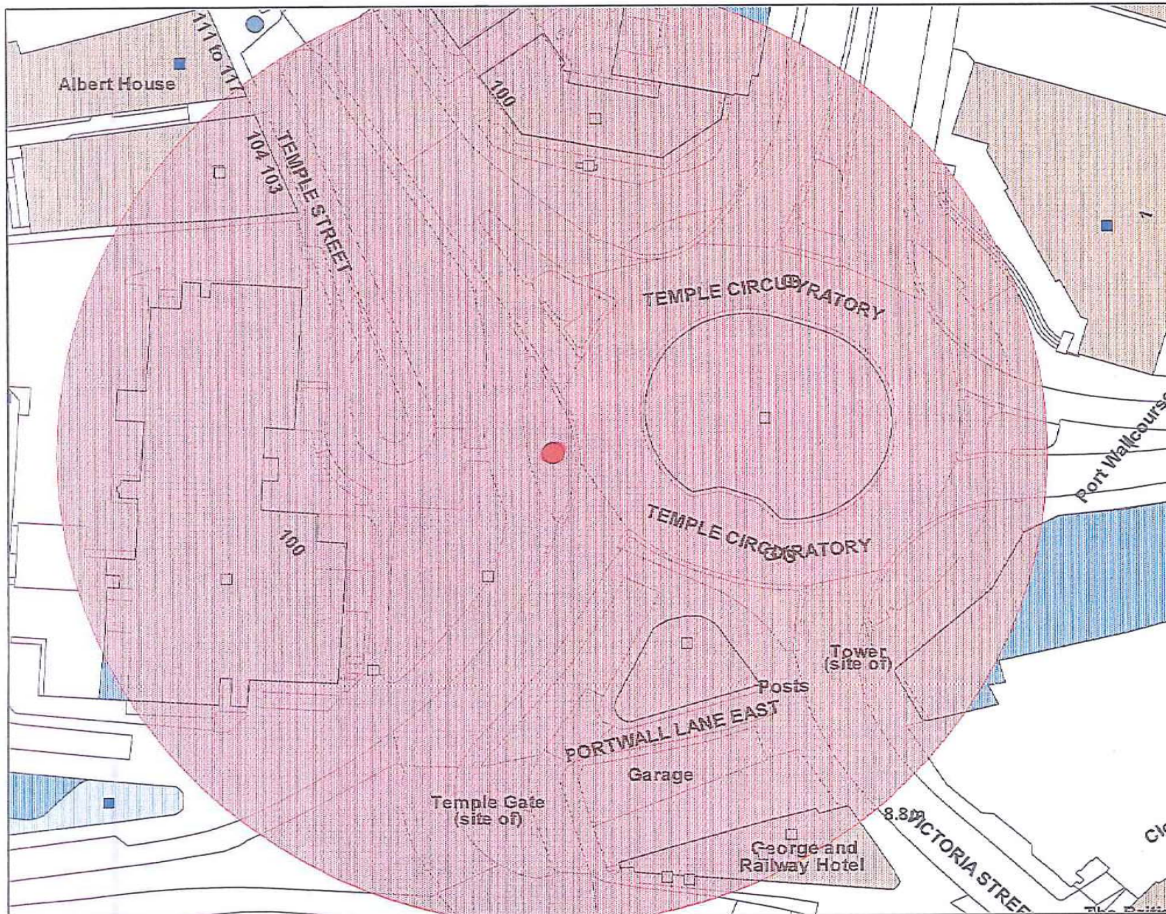




Appendix C

Food Warren

Paved Area Outside 100 Temple Street



Legend	
Licensing Points	
●	CLUBPR
○	COLH2H
○	COLSTR
●	GAAGC
●	GABETO
●	GABING
●	GACAS
●	GACMP
●	GAFEC
●	GALAMA
●	GALAMP
●	GALOTT
○	HYENO
○	LAPER
○	METSAL
○	METSCK
○	PEL
○	PREM
○	PRNIP
○	STCON
○	STLIC
○	TENS
○	TXHCD
●	TXHCDA
○	TXHCDR
○	TXHCV
○	TXPHD
○	TXPHDA
○	TXPHO
○	TXPHV
○	Default
Scale	1:1250

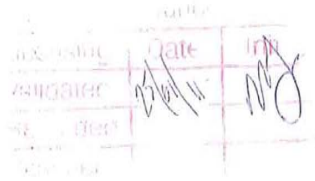
Organisation	Bristol City Council
Department	Licensing
Comments	
Date	11 March 2011
SLA Number	

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Appendix D



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Katherine.rawlinson@cbre.com

Our Ref KR/SS/210111

Your Ref

21 January 2011

Licensing Office
Princess House
Princess Street
Bedminster
Bristol
BS3 4AG

Dear Sir/Madam

**RE: APPLICATION REF NUMBER: 10/06039/STCON
OUTSIDE 100 VICTORIA STREET**

CB Richard Ellis act as managing agents for, and on behalf, of the BBC Pension Trust Ltd, Landlord's of 100 Victoria Street, Bristol.

We are in receipt of your letter dated 18th January 2011, detailing the application for street trading consent for a hot food trailer, outside our client's property, and would like to confirm that we strongly object to such a proposal.

We have concerns that the positioning of such a trailer would lead to increased volumes of rubbish in the surrounding area, particularly around the area of landscaping outside the property which falls within the BBC's ownership and which they, alongside their tenants, pay to be maintained. We also feel that such an operation would bring with it the added problem of associated smells and increased noise which will affect our client's tenants in the offices above.

If you require any further comment from us please feel free to contact us on the details above.

Yours faithfully

Katherine Rawlinson



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BATANI
CORIANDER DRIVE
BS2 0DJ

DEAR SIR/MADAM

I AM WRITING TO OBJECT TO THE GRANTING OF A STREET TRADING CONSENT APP NO 10/06039/STCON FOR VICTORIA STREET. THE APPLICATION IS FOR HOT FOOD.

AS AN EXISTING HOLDER OF A STREET TRADING CONSENT ISSUED BY BRISTOL CITY COUNCIL FOR A POSITION ON VICTORIA STREET. I FEEL THIS WOULD AFFECT MY BUSINESS, WHICH I HAVE WORKED HARD TO ESTABLISH.

WITH REGARDS

CAPITA

Shaun Oliver
Facilities Manager
Capita Business Services
100 Temple Street
Bristol
BS1 6AG

02 March 2011

Mr Flower

Your Ref: 10/06039/STCON



In response to your letter dated 24th February regarding application for street trading consent.

Capita would be strongly opposed to this application being granted.

Our main concerns are:

1. Access to and from the site for the trailer.
2. Odour from the trailer entering the air intake for the building.
3. Litter.
4. Congregating customer base obstructing access and using seating provided by the Landlord.
5. Rodents and other pests.
6. The impact of the image on the building.

Also the exact location details are not clear as the proposed site is in the centre of the raised, wall planter if this was not the case then would be considerably closer to the building.

I would be grateful if you could address any future correspondence regarding this matter to me (as well as the Managing Agents – Cushman and Wakefield and other tenants at this address) as I only received this letter on the 1st March 2011 due to the vague address details.

Kind Regards

A handwritten signature in black ink, appearing to read 'Shaun Oliver'.

Shaun Oliver
Facilities Manager

0117 302 1040
07920877675

100 Temple Street, Bristol BS1 6AB
Tel 0117 302 1000 Fax 0870 243 0221 www.capita.co.uk
Capita Business Services Ltd

Registered office: 71 Victoria Street, Westminster, London SW1H 0XA. Registered in England No. 2299747.



Mark Flower
Licensing Office
Princess House
Princess Street
Bedminster
Bristol
BS3 4AG

Toby Beech
100 Temple Street
Bristol
BS1 6AG
Phone: 0117 905 4194

Mark

I am writing in reference to your recent letter detailing Street trading consent application number: 10/6039STCON – Hot food trailer outside 100 Temple street.

KPMG would be strongly opposed to this application being granted.

Our main concerns include:

- Access to and from the site
- Odour from the trailer entering the air intake for the building
- Litter
- Congregating customer base obstructing access and using our seating
- Rodents and other pests
- Image

The exact location details are contradictory; the red dot in the plan lands in the centre of a raised, walled planter and there would be extreme difficulty placing a trailer there without some construction works. Therefore the assumption is that this trailer would in fact be placed much closer to the building than indicated.

I would be grateful if you could address any future correspondence regarding this matter directly to me (as well as the managing agents and other tenants at this address) as this letter was nearly missed with its somewhat vague recipient details.

Kind regards

Toby Beech

KPMG Workplace Area Coordinator
3/2/2011

APPENDIX D1

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K Burchell Esq
Licensing Authority
Bristol City Council
Princes House
Princes Street
Bedminster
BRISTOL
BS3 4AG



Our ref: PT/Aby/lb

5 April 2011

Dear Mr Burchell

Re: Application for Grant of Street Trading Consent, Temple Street, Bristol

With reference to the recent hearing in relation to the above I now attach for your attention a plan showing the extent of our clients ownership which is edged in blue. You will see that my client owns the western half of Temple Street adjacent to the building along with approximately two thirds of the 'hammerhead'.

As you know my client strongly objects to the proposed siting of this mobile unit and believes that amongst other things, Temple Street will be used as an area for vehicles to park while attending the facility. My client will do all that he lawfully can to restrict parking in this area so as to minimise the disruption and impact to this building. My client already prohibits parking in this area in order to ensure free access to his building and this will continue where we can. No parking will be allowed on land within our ownership and control. My client also has rights granted to him providing the free right of use and access of the remaining portion of Temple Street and he will look to enforce this right should this be necessary.

Whilst you may see this as an overly harsh view, my client is of the opinion that this proposal is hugely detrimental to this building and its occupants.

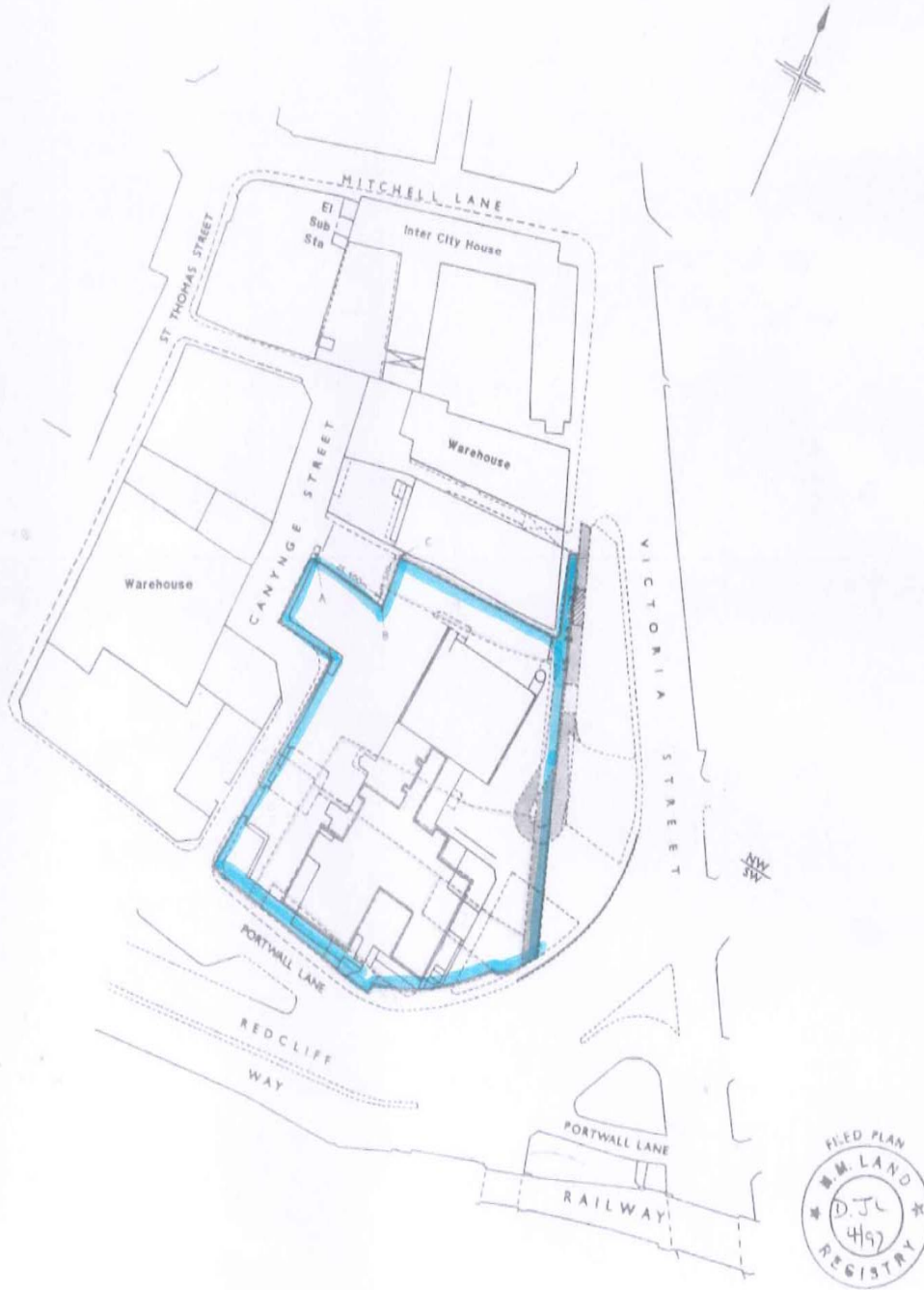
Yours sincerely

PHILLIP TAYLOR
PARTNER
ASSET MANAGEMENT (Birmingham)



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H.M. LAND REGISTRY		TITLE NUMBER	
		BL 56799	
ORDNANCE SURVEY PLAN REFERENCE ①	ADMINISTRATIVE AREA CITY OF BRISTOL	NATIONAL GRID	SECTION
		ST 5972	J
Scale: 1/1250		© Crown Copyright 1993.	



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Appendix E

**STREET TRADING CONSENT
INTERESTED PARTY REPRESENTATION**

RECEIVED VIA EMAIL AT THE LICENSING OFFICE ON: 20 January 2011

RE: Food Warren – Outside 100 Temple Street, Bristol

FROM: Phil Cotham – Highways Licensing/Enforcement Bristol City Council

No objections, providing that the caravan/trailer is placed in such a manner as not to block the main footway or cycle route.

Slabbed footway surface to be protected with plywood beneath caravan/trailer. Grassed amenity feature must not be used.