

**BRISTOL CITY COUNCIL
PUBLIC SAFETY AND PROTECTION COMMITTEE
3 APRIL 2012**

Application for the Grant of Street Trading Consent at Crowdace Properties, The Corner, Third Way, Avonmouth

Applicant: George Burman

Proposed trading name: Fast Food Avonmouth

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: Crowdace Properties, The Corner, Third Way, Avonmouth

Background

2. With effect from 1 May 2009 the above location has been designated as a consent street for the purpose of Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982. 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. The application form is attached at Appendix B. Photographs of the unit are attached at Appendix C and a site location plan at Appendix D.
5. On 29 January 2012 Wayne Jones, Licensing Enforcement Officer for Bristol City Council noted the presence of a burger van whilst driving through Avonmouth. He checked the details held at the Licensing Office and found that this trader did not appear to have a consent. Mr Jones then made a visit to the site with Peter Hogarth, also a Licensing Enforcement Officer for Bristol City Council on 31 January 2012. They spoke with the trader at the site, Mr George Burman, and advised him that he was required to have consent by Bristol City Council to conduct any form of street trading. They also provided him with the appropriate application forms for a street

trading consent.

6. Mr Jones also sent Mr Burman a letter on 8 February 2012 informing him he did not have consent from Bristol City Council to trade at that location and enclosing the relevant application forms and application procedure.
7. On 8 February 2012 George Burman 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 0700 to 1300 from Monday to Friday and 0700 to 1200 Saturday

8. Mr Jones made a subsequent visit to this site on 17 February 2012 with Mark Flower, Licensing Officer for Bristol City Council, and witnessed Mr Burman trading from the site. Further details of this visit can be found in Mr Jones statement, which can be found at Appendix E.
9. Mr Jones made another visit to the site on 21 February 2012, in the company of Ian Wilkinson, Licensing Enforcement Co-ordinator for Bristol City Council. On this occasion Mr Wilkinson conducted a test purchase and was able to purchase a burger. Mr Jones and Mr Wilkinson approached Mr Burman and cautioned him. They completed an on-site interview sheet which is attached at Appendix G. During this interview Mr Burman admitted that he did not have consent to trade at that location, and that he did not intend to stop trading. Further details of this visit can be found in Mr Jones statement at Appendix E and Mr Wilkinson's statement at Appendix F.
10. Whilst off duty on 10 March 2012 Mr Jones witnessed Mr Burman trading from his van at the location in question. Mr Jones' statement to that effect can be found at Appendix H

11. Consultation

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

10. Consultation Responses

No adverse representations were received as a result of this consultation.

11. 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 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.

12. Mr Burman has been provided with a copy of the report and has been invited to the meeting.

APPENDICES

Appendix A – Standard conditions attached to street trading consents

Appendix B – Application form

Appendix C – Photographs of proposed vehicle

Appendix D – Site location plan

Appendix E – Statement of Wayne Jones, Licensing Enforcement Officer for Bristol City Council, dated 25 February 2012

Appendix F – Statement of Ian Wilkinson, Licensing Enforcement Co-ordinator for Bristol City Council, dated 21 February 2012

Appendix G – On-site interview sheet dated 21 February 2012

Appendix H - Statement of Wayne Jones, Licensing Enforcement

RECOMMENDED The Committee is asked to determine the application

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

Background papers

Exempt

Contact Officer: Ms Abigail Holman
Senior Licensing Officer
Neighbourhoods

Ext: Telephone 0117 9142500

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.

11/06556/STCON



Application for the GRANT of a Street Trading Consent

Schedule 4 Local Government (Miscellaneous Provisions) Act 1982

Part 1 - Your details

Surname or Family name	BURMAN		
First name(s)	GEORGE		

Date of Birth	Day	Month	Year
	30	05	1996

Current residential Address	21, STATION RD, FILWING S.4603
Post Code	BS35 4J7
Contact Telephone Number(s)	

Part 2 - What will you be selling?

I wish to apply for the following type of consent			
Static consent	<input checked="" type="checkbox"/>	Mobile consent	<input type="checkbox"/>
Type of goods to be sold (i.e hot food, jewellery etc)	HOT FOOD		
If you sell hot/cold food, has your vehicle or trailer been examined by environmental health officers to ensure compliance with food hygiene requirements?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	
If you answered YES please provide details of the local authority which has examined the trailer or vehicle (you must produce any certification in	FOOD HYGIENE GAVE FOUR STARS SUMMER 2011		

<p>relation to this) Please note: If you wish to sell hot food after 11.00pm you will require a Premises Licence issued under the Licensing Act 2003 .</p>	
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Part 3 - Where will you be trading?

Please state the exact location from where you wish to trade, including the name of the street and any other information (if applicable)	Croudace Properties The Corner Third way Avonmouth
If you are trading from a fixed position please provide a plan of at least 1:1250 scale identifying the proposed location by marking the site boundary with a red line.	
Where is the vehicle or trailer stored when not being used?	Above Address
Proposed trading name	FAST FOOD AVONMOUTH

Part 4 - The trading unit that you propose to use.

I propose to trade from						
Van		Trailer	<input checked="" type="checkbox"/>	Cart		Barrow
Other, please specify						
Please submit the dimensions of the trading unit and three colour photographs illustrating different elevations of the unit. If you are using a motorised vehicle please ensure that a photograph includes the vehicle registration number. Please note: If you intend to trade from a motor vehicle then you must produce current Insurance and Mot.	12 x 6					

Do you hold any other licence or permit issued by Bristol City Council? (For example a Premises Licence issued under the Licensing Act 2003).	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	
	If YES give details Mobile Food Trader Registration CEET-NO 034798		
Do you know the owners or person/company that control or manage the land from which you intend trading	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	
	If YES do you have their written permission (this must be produced)		

Part 5 - Trading Assistants

Will you be using any assistants ?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
	If YES please complete the attached application form for any assistants	

Part 6 - When will you be trading?

	MON.	TUES.	WED.	THUR.	FRI.	SAT.	SUN.
FROM	7	7	7	7	7	7	
TO	1	1	1	1	1	12	

If you are not applying for an annual consent please identify the months you wish to trade:

.....

Proposed commencement date of consent: **ASAP**

Section 10(3) of the Local Government (Miscellaneous Provisions) Act 1982 states:

Any person who, in connection with an application for a street trading licence or for a street trading consent, makes a false statement which he knows to be false, in any material respect or which he does not believe to be true, shall be guilty of an offence.

I (print name) George Burman have read the above and confirm that all the information submitted in respect of this application is true to the best of my knowledge.

Signed GS Burman Date 6/2/2012

Checklist - Please ensure that the following documents are included with your application:

1. Site plan of premises
2. Two colour passport size photographs of the applicant
3. Two colour passport size photographs of assistant/s (if applicable)
4. Location map of premises
5. Three colour photographs of trading unit
6. Copy of public liability insurance
7. Evidence of compliance with food hygiene requirements (if applicable)

Please return this application form to:

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

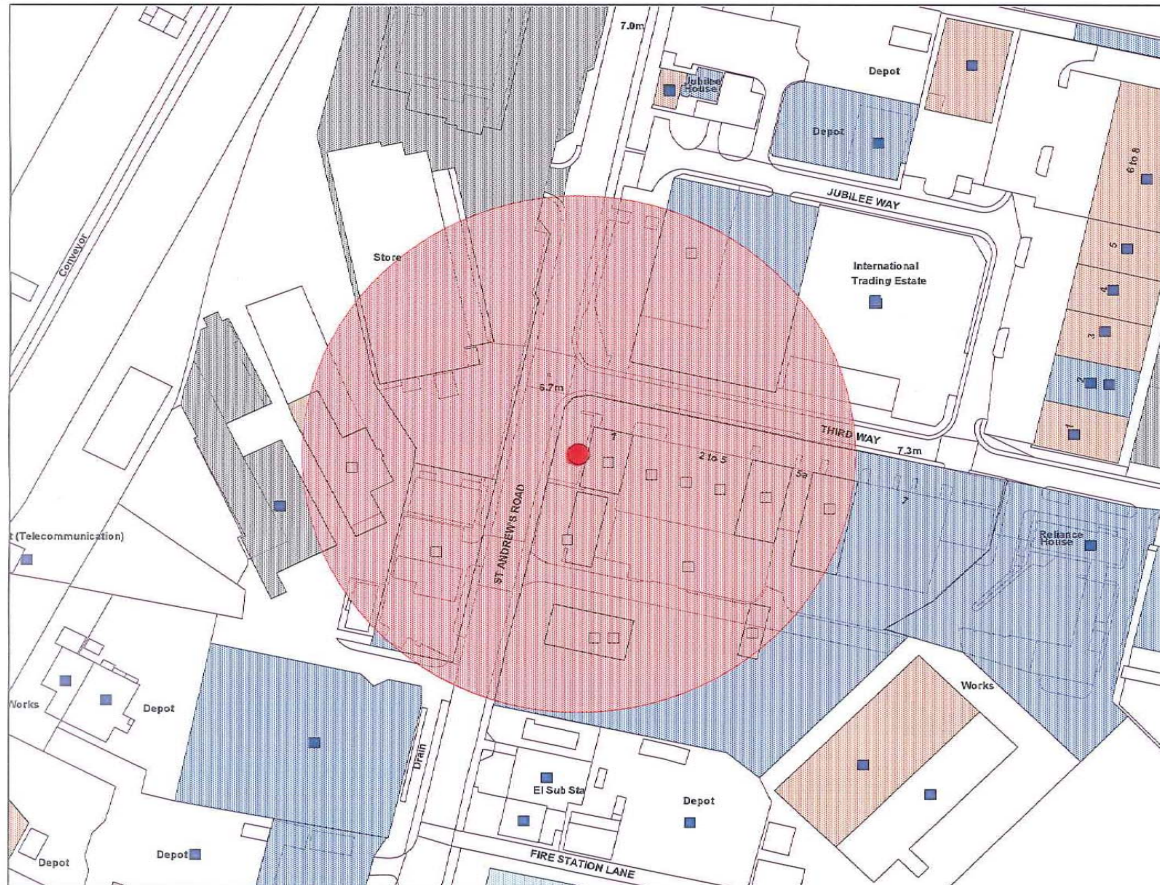
Tel 0117 9142500
Fax 0117 9142515
Email Licensing@bristol.gov.uk
Website www.bristol.gov.uk/licensing





Application for the Grant of a Street Trading Consent

Fast Food - Avonmouth



Legend

Scale : 1:2222

Organisation	Bristol City Council
Department	Licensing
Comments	Outside Unit 1, Third Way, Avonmouth
Date	01 March 2012
SLA Number	Not Set

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BRISTOL CITY COUNCIL – LICENSING SECTION

STATEMENT OF WITNESS

(Criminal Justice Act 1967 s.9, Magistrates' Courts Act 1980 s.s 5A (3)(a) and 5B Criminal Procedure Rules 2005, r 27.1)

Statement of: Wayne Anthony Jones

Date of Birth: Over 18 **Occupation:** Licensing Enforcement Officer

Address: C/O City Council Licensing Section, Princess House, Princess Street,
Bedminster, Bristol

This statement, consisting of 2 page[s], each signed by me, is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated: 25 February 2012

[Signed].....

I am a Licensing Enforcement Officer employed by Bristol City Council at their premises at Princess House, Princess Street, Bedminster, Bristol, BS3 4AG.

On 21 February 2012 at 11:00hrs, in the company with Ian Wilkinson Licensing Enforcement Coordinator, we were parked near a burger van parked on the junction of Third Way and St Andrew's Road, Avonmouth. Ian Wilkinson left my vehicle to conduct a test purchase. A few minutes later he returned to my vehicle with a burger in his hand costing £3.00. We both then approached the van where I saw a male, whom I had spoken to previously on the 17 February, called Mr GEORGE BURMAN of 21 STATION ROAD, PILNING BS354JT.

We both introduced ourselves, then I cautioned him and asked whether he understood the caution, to which he replied yes. I completed an on site interview sheet, and have exhibited this as WJ1.

I said " Have you got trading consent to be here?"

He said "I've never had anything from Bristol City Council"

I then said "You were delivered a letter stating that you had to have consent to trade, you do not have consent"

Continuation of witness statement W Jones

He stated "Yes I know, I'm not going to shut down".
I then informed him that he would be reported for the offence of trading without consent. We then left the burger van.

On 17 February 2012 at 11:20hrs in the company with Mark Flower, Licensing Officer with Bristol City Council, we visited the burger van on Third Way and spoke to Mr Burman regarding his continuation of trading. I noticed at the time of the visit that a dozen sausages were grilling on the stove. I stated that he did not have consent to trade without being authorised to do so. He stated that he had a family and a mortgage to keep and could not afford to shut for 14 days. We both then left the burger van and pulled into the petrol station opposite where I witnessed two males, one female purchasing food from the van.

On 8 February 2012 I posted a letter addressed to Mr Burman informing him that he did not have consent from Bristol City Council to trade from his van. The letter also contained the appropriate application form and notes of how to apply for street trading consent. Mr Burman acknowledged that he had received the letter and application form as he telephoned me at the Licensing Office and informed me that he had received the pack. I exhibit the letter as WJ2.

On 31 January 2012, the burger van was visited in the company with Peter Hogarth, Licensing Enforcement Officer, where Mr George Burman was given a street trading application pack and informed that he had to have consent by Bristol City council to conduct in any form of street trading.

On Sunday 29 January 2012 whilst driving through Avonmouth, I spotted a burger van parked at the junction with Third Way and St Andrew's Road Avonmouth. I have attached a photograph, exhibited as WJ3, at the time of passing, the van was closed and made a mental note to check the database at the office the following week.

(Signed) 

EXHIBIT WJZ



Mr Burman
21 Station Road
Pilning
BS35 4JT

CONTACT: Wayne Jones
TELEPHONE: 0117 9142506
FAX: 0117 9142515
DATE: 8 FEBRUARY 2012
E MAIL: W.Jones@bristol.gov.uk

RE: Street Trading at St Andrew's Road, Avonmouth

Dear Mr Burman

Following on from the visit conducted at the above address, there is no record for an application for the grant of a street trading consent.

I have enclosed an application form for you to complete as soon as possible, and please return the application to Bristol City Council Licensing Office at the address on the form.

Please note under the Local Government (Miscellaneous Provisions) Act 1982, that a person who :

"engages in street trading in a licence street or a consent street without being authorised to do so under this Schedule, shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale (£1,000)."

Further enforcement action may be taken should you continue to trade without the consent of the Local Authority.

Yours sincerely

Wayne Jones
Licensing Enforcement Officer
Bristol City Council

Licensing Team
Princess House, Princess Street
Bedminster, Bristol BS3 4AG

Nick Carter
Enforcement & Regulatory Services
Manager

Website
www.bristol.gov.uk

Picture taken 29/1/12 w Jones.
WJ3



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BRISTOL CITY COUNCIL – LICENSING SECTION

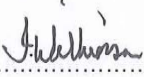
STATEMENT OF WITNESS

[Criminal Justice Act 1967 S.9 ; Magistrates Courts Act 1980 ss5A[3][a] and 5B, Criminal Procedure Rules 2005, r 27.1.]

Statement of: Ian Wilkinson
Date of Birth : Over 18 **Occupation:** Enforcement Co-ordinator
Address : Licensing Section, Princess House, Bedminster, Bristol

This statement, consisting of 2 page[s], each signed by me, is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated : 21 February 2012

[Signed].....

I am a Licensing Enforcement Co-ordinator employed by Bristol City Council and based at the above location.

One of my teams' functions is to make regulatory checks on premises and traders licensed by the Council or requiring licences under the Council's street trading regime. At 11am on Tuesday 21st February 2012, together with the witness Wayne Jones, a Licensing Enforcement Officer, I went to Third Way, Avonmouth.

[Signed]

Statement of Ian Wilkinson, Page Two

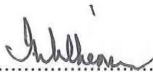
While Mr Jones waited in his vehicle I approached a food trailer in the communal parking area near the service road off Third Way, and almost opposite the petrol station. I saw a male person, who I now know to be the defendant George Burman working behind the counter. I saw some sausages cooking on a hot plate towards the front of the counter, and other foodstuffs and drinks displayed. Having asked Mr Burman if he had any bacon I said 'Can I have a bacon bap, please'. Mr Burman placed three rashers of bacon on the hot plate and they started cooking. When they had cooked Mr Burman placed them in a bread roll and handed it to me in a bag. I said 'Three pounds, is that right', and handed him that amount, for which he thanked me.

I then returned to the vehicle and spoke to Mr Jones. Together we then went to the trailer where we spoke to Mr Burman. After establishing his personal details he was cautioned and asked if he understood. He replied 'Yes'. Mr Jones said 'Have you trading consent to be here?' Mr Burman replied 'I've never had anything from BCC'. Mr Jones then said 'You were delivered a letter stating that you had to have consent to trade, you do not have consent'.

Mr Burman replied 'Yes I know, I'm not going to shut down'. Mr Jones then said 'You will be reported for the offence'. Mr Burman made no reply.

As the conversation continued Mr Jones made notes on an On Site Interview Form [exhibit WJ1], which we both signed. At the end of the conversation Mr Burman was asked to sign the form as being an accurate record, but refused to do so.

[Signed]



On Site Interview

Exhibit no. WJ1

This interview is being conducted at THIRD WAY

AVONMOUTH I am WAYNE JONES

LEO B.C.C. [position/employed by]. With me is/are

IAN WILKINSON LICENSING ENFORCEMENT COORDINATOR

who is a [position/employed by].

The time is 11:15 hrs on the 21/2/12 [date].

I am speaking to MR GEORGE BURMAN

d.o.b. 30/5/56 who is PROPRIETOR OF BURGER VAN.

You do not have to say anything but it may harm your defence if you do not mention when questioned something you later rely on in court. Anything you do say may be given in evidence. Do you understand?

Yes

You have a right to see a solicitor, you are not under arrest and you are free to go at any time.

WS - Have you got trading consent to be used?

GB - I've never had anything from BCC

WS - You were downed a letter stating that you had to have consent to trade, you do not have consent.

GB - Yes I know, I'm not going to shut down.

- You will be reported for the offence.

'I confirm this is an accurate record of this interview, which has just concluded'

Refused to sign [signed or refused - explanation]

Signatures of officers present

[Signature]

[Signature]

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Statement of: Wayne Anthony Jones

Date of Birth: Over 18 **Occupation:** Licensing Enforcement Officer

Address: C/O City Council Licensing Section, Princess House, Princess Street,
Bedminster, Bristol

This statement, consisting of 1 page[s], each signed by me, is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated: 14 March 2012

[Signed].....


I am a Licensing Enforcement Officer employed by Bristol City Council at their premises at Princess House, Princess Street, Bedminster, Bristol, BS3 4AG.

On Saturday 10 March 2012 at 10:30hrs, whilst off duty, I was driving along St Andrews Road Avonmouth heading north, and witnessed a burger van trading. The van was stationery on the corner of Third Way and St Andrew's Road. I recognised the male working within the van, Mr George Burman as I had visited the van on previous occasions.

At that time there was smoke coming from the van and approximately three to four customers at the van.

(Signed).....
