

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

Application for the Grant of Street Trading Consent at Corner of Tyndall Avenue and Woodland Road, Bristol

Applicant: Marcus Wells

Proposed trading name: Montpelier Pastries

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: Corner of Tyndall Avenue and Woodland Road

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. On 06 January 2012 Marcus Wells 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 and Cold Food :

During the hours of 0830 to 1400 from Monday to Friday

5. 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.

6. 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
Bristol City Council – Pollution Control Team
Bristol City Council – Councillor
Avon and Somerset Police

7. Consultation Responses

The following responses have been received.

Appendix E – Local businesses
Appendix F – Bristol City Council – Food Safety Team

8. The applicants have indicated that they accept the conditions suggested by the Council's Food Safety Team and, if the committee decide to grant this consent, the relevant conditions would be attached.

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 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.

10. Mr Wells originally submitted a location map which indicated he wished to apply for one of four locations within close proximity to each other, on the crossroads of Tyndall Avenue and Woodland Road. For the purposes of the consultation one of these locations was selected and representations received. The interested parties from the University of Bristol have indicated that their objections would stand based on any of the four locations Mr Wells originally submitted. The original site map is attached at Appendix G
11. Mr Wells 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 – Response from local businesses

Appendix F – Response from Bristol City Council – Food Safety Team

Appendix G – Site map

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

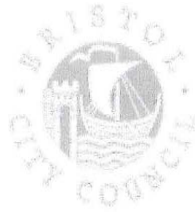
GENERAL CONDITIONS THAT WILL NORMALLY BE ATTACHED TO STREET TRADING CONSENTS

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.

11/06129/STCON.



Application for the GRANT of a Street Trading Consent

**Schedule 4 Local Government
(Miscellaneous Provisions) Act 1982**

Bristol City Council is under a duty to protect the public funds it administers, and to this end may use the information you have provided on this form for the prevention and detection of fraud. It may also share this information with other bodies responsible for auditing or administering public funds for these purposes. For further information, see <http://www.bristol.gov.uk/nfi> or contact the Licensing Team at licensing@bristol.gov.uk or on 0117 9142500

Part 1 – Your Details

Surname or Family name	WELLS
First Name(s)	MARCUS

Date of Birth	Day 14	Month 04	Year 1963
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Current Residential Address	17, CLAREMONT Rd, BISHOPSTON, BRISTOL.
Post Code	BS7 8 DL
Contact Telephone Number(s)	0117 9427082 07530842910

Part 2 – What will you be selling?

I wish to apply for the following type of consent (please tick)			
Static consent	<input checked="" type="checkbox"/>	Mobile consent	<input type="checkbox"/>
Type of goods to be sold (i.e hot food, jewellery etc) Breakfast Food. Range of croissant, bagels, breakfast muffins etc. Lunch food → focaccia.			
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 Although bakery where products made has received 5 stars hygiene certificate
If you answered YES please provide details of the Local Authority which has examined the trailer or vehicle (You must produce any certification in relation to this)		When bakery premises inspected it was running as Breadstone Bakery	

Part 3 – Where will you be trading

Please state the exact location from where you wish to trade, and including the name of the street (if applicable)	One of 4 spots photographed would be ideal. Corners of Woodland Rd, Tyndall Ave, and Elton Rd.		
Where is the vehicle or trailer being stored when not being used?	UNIT 15, STATION Rd (MONTPELIER INDUSTRIAL ESTATE), BRISTOL. BS6 5EE		
Do you know the owners or person/company that control or manage the land from which you intend trading? If YES you MUST produce written permission from the land owner.	Yes	<input checked="" type="checkbox"/> No	

Please provide a map indicating exactly where you wish to trade and a photograph of the site you wish to trade from.

We will not be able to process the application without this information.

Part 4 – The trading unit that you propose to use

I propose to trade from						
Van		Trailer		Cart		Barrow
Other please specify		Pop-up stall. (see photos)				
<p>Please submit the dimensions of the trading unit and three colour photographs illustrating different elevations of the unit.</p> <p>If you are using a motorised vehicle please ensure that a photograph includes the vehicle registration number.</p> <p><i>Please note that if you intend to trade from a motor vehicle then you must produce current insurance and MOT.</i></p>		<p>3 m wide 1.5 m deep 2 m high.</p>				
Proposed trading name		MONTPELIER PASTRIES				

Part 5 – Trading Assistants

Will you be using any assistants?	Yes		No	
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If YES please complete the Application Form for any Assistants.

Myself only will be running the stall hopefully, but if trade permits, we would like to employ students (our target market for the produce).

Part 6 – When will you be trading?

	Mon	Tues	Weds	Thurs	Fri	Sat	Sun
From	8.30am	8.30am	8.30am	8.30am	8.30am		
To	2.00 pm	2.00 pm	2.00 pm	2.00 pm	2.00 pm		

If you wish to sell hot food after 11.00pm you will require a Premises Licence issued under the Licensing Act 2003.

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

Trading to cover term times 9 Jan 2011 → 30 Mar 2011. 16 Apr → 29 June
 24 Sept → 15 Dec. (All months except July/Aug.)
 Proposed commencement date of consent..... 30 Jan 2012.

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) MARCUS WELLS 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 Marcus G. Wells

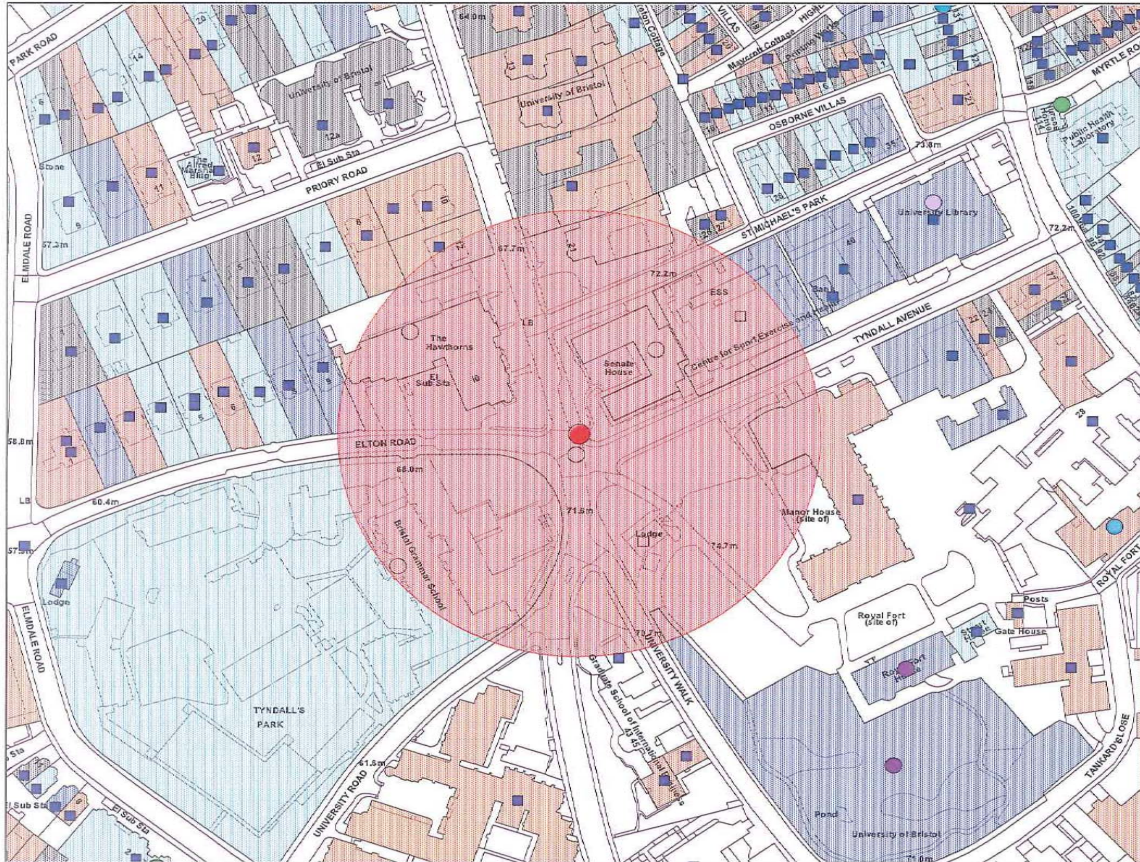
Date 5 Jan 2012.

We do not have public liability insurance for the stall yet, but if permission is granted, we will obviously obtain it and forward details to yourself.



Montpelier Pastries

Corner of Tyndall Avenue and Woodland Road, Bristol



Reproduced from the Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright 2000. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Produced using ESRI (UK)'s MapExplorer 2.0 - <http://www.esriuk.com>

Legend

Scale : 1:2500

Organisation	Bristol City Council
Department	Licensing
Comments	
Date	26 January 2012
SLA Number	Not Set

**STREET TRADING CONSENT
INTERESTED PARTY REPRESENTATION**

RECEIVED VIA EMAIL AT THE LICENSING OFFICE ON: 05 February 2012

RE: 11/06133/STCINN

FROM: Bristol Grammar School

We wish to register our protest against the application for street trading consent referenced above. The street trading food stall would be so close to our school site and students as to prove a significant distraction during the school day, particularly as our students regularly cross Elton Road in between lessons.

We therefore feel that such a stall would encourage students to be out of the bounds of the site when they should be in lessons, or within the site at break or lunchtimes. We also feel that this stall would encourage students to cross the roads involved at greater speed, and with less attention to traffic, because of the promise of food and the need to acquire it without being late for the next lesson etc. This represents a Health and Safety hazard despite the advice and instruction we would have to institute.

Bristol Grammar School

Bristol City Council		
Licensing	Date	Init
Validated	16/3	Att
Recorded	16/3	Att
Scanned	16/3	Att

by hand Att
9/2/12



Licensing	Date	Init
Validated	9/2	CB
Recorded	17/2	CB
Scanned	17/2	CB

Ms A Holman
Senior Licencing Officer
Licensing Office
Princess House
Princess Street
Bedminster
Bristol
BS3 4AG

Senate House
Tyndall Avenue
Bristol BS8 1TH
T +44 (0)117 928 8038
dvc@bristol.ac.uk
www.bristol.ac.uk

DNC/pl

8th February 2012

Dear Ms Holman

Reference to Bristol City Council's letter concerning Street Trading Consent Application, Reference: 11/06133/STCINN

I am writing to you on behalf of the University of Bristol in my capacity as
to object to the proposed stall on the junction of Woodland Road and Tyndall Avenue.

We have serious concerns that such a stall would create a public nuisance. The area proposed for the stall is already an area of high pedestrian footfall and falls within the zig-zag lines of the zebra crossing. The presence of a stall, together with queuing customers would obstruct the already narrow pavement and could put pedestrians at risk by forcing them into the road and obstructing lines of sight for both pedestrians and car drivers in this busy area. The University would also be concerned about increased noise disturbing the nearby offices in Senate House as well as a likely increase in litter as a result of the stall's intended trade.

Yours sincerely



by hand Att
9/2/12

Bristol City Council		
Licensing	Date	Init
Validated	9/2	G
Recorded	17/2	SB
Scanned	17/2	G



External Estates
University of Bristol
Waltham Cottage Yard
Hollybush Lane
Stoke Bishop
Bristol BS9 1JB

8 February 2012

as/sb

Ms A Holman
Senior Licensing Officer
Licensing Office
Princess House
Princess Street
Bedminster
Bristol BS3 4AG

Dear Ms Holman

**Reference to Bristol City Council's letter concerning Street Trading Consent
Application, Reference: 11/06133/STCINN**

With reference to Bristol City Council's communication concerning Application Reference: 11/06133/STCINN, I would like to object, on behalf of Gardens and Grounds, to the proposed stall on the Junction of Woodland Road and Tyndall Avenue.

The complaint is based on the knowledge (due to the history of a sandwich stand in an equivalent location) that such a stall will create a public nuisance due to the: narrow public footway (preventing the passage of pedestrians); its' location adjacent to a public crossing; the amount of litter that will be produced; and the potential extra noise next to the administrative offices of Senate House.

Kind regards.
Yours sincerely



by hand AH
9/2/12

Bristol City Council		
Licensing	Date	Init
Validated	9/2	CB
Recorded	17/2	CB
Scanner	17/2	CB



Hospitality Services
The Hawthorns
Woodland Road
BRISTOL BS8 1UQ

8 February 2012

Im/sb

Ms A Holman
Senior Licensing Officer
Licensing Office
Princess House
Princess Street
Bedminster
Bristol BS3 4AG



Dear Ms Holman

**Reference to Bristol City Council's letter concerning Street Trading Consent Application,
Reference: 11/06133/STCINN**

On behalf of Hospitality Services, I am writing to object to the proposed stall on the junction of Woodland Road and Tyndall Avenue. The objection is based on Health and Safety grounds and past experience of pavement trading on the University precinct.

The first issue that I wish to raise is that the location where the application is for is on the one major junction on the University precinct, abutting the zebra crossing. This junction is used daily by thousands of staff, students and parents with children (going to Bristol Grammar School) to get from one location to another. Traders in the past which have used these pavements have caused disturbances to the flow of pedestrians at their location (for example; queuing to purchase goods and pausing at the location to consume the purchased products, thereby causing obstructions on the pavement which, in turn, have forced pedestrians onto the road to get by. This has also become an obstacle for visually impaired, disabled people to get past). This new location, we feel, will be even more affected by this stall as it is much busier than past locations used.

We also foresee that litter could become a bigger problem. At present a lot of litter in the area is disposed of by the pedestrians walking by and having a stall selling hot and cold food in this location will increase this litter to an unmanageable amount.

Yours faithfully



Bristol City Council

Licensing	Date	Init
Validated	9/2	CB
Recorded	17/2	CB
Scanned	17/2	CB

by hand AH
9/2/12



University of Bristol
Security Services
Royal Fort Lodge
Tyndall Avenue, Bristol
BS8 1UH

8 February 2012

gv/sb

Ms A Holman
Senior Licensing Officer
Licensing Office
Princess House
Princess Street
Bedminster
Bristol BS3 4AG

Dear Ms Holman

**Reference to Bristol City Council's letter concerning Street Trading Consent Application,
Reference: 11/06133/STCINN**

In relation to the Security Services Department's view regarding the requested application for a hot and cold food stand on the pavement area at the corner of Woodland Road and Tyndall Avenue, I would like to express our objections. On health and safety grounds, this area is not large enough for such a stand and pedestrians would be at risk. At present the pavement is at full capacity with the general public, students commuting to and from lectures, students and staff of Bristol Grammar School, the bus stops based across the road and Bristol University staff. The additional footfall created, along with the static pedestrians who will queue for the stand during the hours of 0830-1400, will force the already high number of pedestrians off the pavement and on to the public road.

Due to the above, Security Services would like express their concern of the increased risk of accidents.

With kind regards.
Yours sincerely



11/06133/STCINN



8 February 2012

Licensing Office
Princess House
Princess Street
Bedminster
Bristol
BS3 4AG

Bristol City Council		
Licensing	Date	Init
Validated	15/2	CB
Recorded	17/2	CB
Scanned	17/2	CB

Estates Office
Lower Ground Floor, Senate House
Bristol BS8 1TH

Dear Sir / Madam

**Local Government (Miscellaneous Provisions) Act 1982
Street Trading Consent Application – 11/06133/STCINN**

I write on behalf of the University of Bristol to object to the above application. The proposed location for the street trader is not acceptable; the corner of Tyndall Avenue and Woodland Road, Bristol is a main pedestrian thoroughfare. A street trader at this location would impede pedestrian traffic.

Yours sincerely



INVESTOR IN PEOPLE



Bristol City Council		
B:Flare Ref: m0368271		
Licensing	Date	Init
Validated	9/2	GH
Recorded	7/2	GH
Scanned	7/2	GH

Bristol City Council
 Licensing Office, Princess House, Princess Street, Bristol, BS3 4AG
 Tel 0117 914 2500 Fax 0117 914 2515 E-mail licensing@bristol.gov.uk

Representation Form

Responsible Authority: **Health and Safety**

Your Name	H. Mebarek
Job Title	Senior Enforcement Officer
Postal and email address	Food Safety Team Brunel House St George's Road Bristol BS1 5UY hocine.mebarek@bristol.gov.uk
Contact telephone number	0117 922 3253

Name of the premises you are making a representation about	Montpelier Pastries
Address of the premises you are making a representation about	Tyndall Avenue Cotham Bristol
Date application received	26/01/2012
Representation	YES

This representation relates to the licensing objectives, primarily that of public safety. This is the reason for my representation including any related evidence I have gathered.

The applicant proposes to offer for sale pastries (croissants, bagels, Danish, muffins,), from 8:30 till 14:00.

Pastries will be delivered in the morning and displayed on a stall.

Due to the location of educational establishments, there is a large student population in this area.

This is a new business venture (in the process of being registered with the local authority) and as such has not yet been inspected.

I cannot be satisfied that the operating schedule is sufficient in promoting the licensing objectives because of the absence of such steps as those which might reasonably be expected of such premises. I therefore recommend that the following condition is applied. This condition is relevant to this premises and is considered necessary for the maintenance of good standards of public safety:

1 The licence holder shall ensure that adequate measures are in place to remove litter or waste arising from their customers and to prevent such litter from accumulating in the immediate vicinity of their premises. In particular, where necessary the premises licence holder shall ensure that adequate measures are in place to provide customers with sufficient receptacles for the depositing of waste materials such as food wrappings, drinks containers, smoking related litter, etc.

N.B. If you do make representation you will be expected to attend the Licensing Panel and any subsequent appeal proceeding.

Signed: H. Mebarek

Date: 3 February 2012

Please return this form along with any additional sheets to:

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

E-mail address: licensing@bristol.gov.uk

This form must be returned with 28 consecutive days of the application being made to the Licensing Authority

Google



To see all the details that are visible on the screen, use the Print link next to the map.



* Marks spots where I would like to set up the stall.