

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

**Application for the Grant of Street Trading Consent at Corner
of Victoria Street and Temple Street**

Applicants: Zoe Heron

Proposed trading name: Woolly Cactus

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 Victoria Street and Temple Street

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 14 February 2012 Ms Zoe Heron 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 0800 – 1500 Monday – Sunday

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

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 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.

9. Ms Heron 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 opposed to application

RECOMMENDED The Committee is asked to determine the application

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

Background papers

**Contact Officer: Ms Abigail Holman
Senior Licensing Officer
Neighbourhoods**

Ext: Telephone 0117 9142500

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.
- 2.
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.

11/06957



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 or on 0117 9142500

Part 1 – Your Details

Surname or Family name		HERON	
First Name(s)		ZOE	
Date of Birth	Day 13	Month 06	Year 1982
Current Residential Address		8 ERNESTVILLE RD BRISTOL	
Post Code		BS16 3DB	
Contact Telephone Number(s)		07841 578 661	

Part 2 – What will you be selling?

I wish to apply for the following type of consent <i>(please tick)</i>			
Static consent	<input checked="" type="checkbox"/>	Mobile consent	<input type="checkbox"/>
Type of goods to be sold <i>(i.e hot food, jewellery etc)</i>			
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	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>
If you answered YES please provide details of the Local Authority which has examined the trailer or vehicle <i>(You must produce any certification in relation to this)</i>			

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)	VICTORIA ST MAP & PHOTO ATT.		
Where is the vehicle or trailer being stored when not being used?	REMAIN ON SITE		
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	No	<input checked="" type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	

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						
<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>						
Proposed trading name		WOOLLY CACTUS				

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.

Part 6 – When will you be trading?

	Mon	Tues	Weds	Thurs	Fri	Sat	Sun
From	0800	0800	0800	0800	0800	0800	0800
To	1500	1500	1500	1500	1500	1500	1500

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:

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Proposed commencement date of consent..... APRIL 1st.....

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) ZOE HERON..... 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..... .....

Date..... 31/01/12.....

APPENDIX C

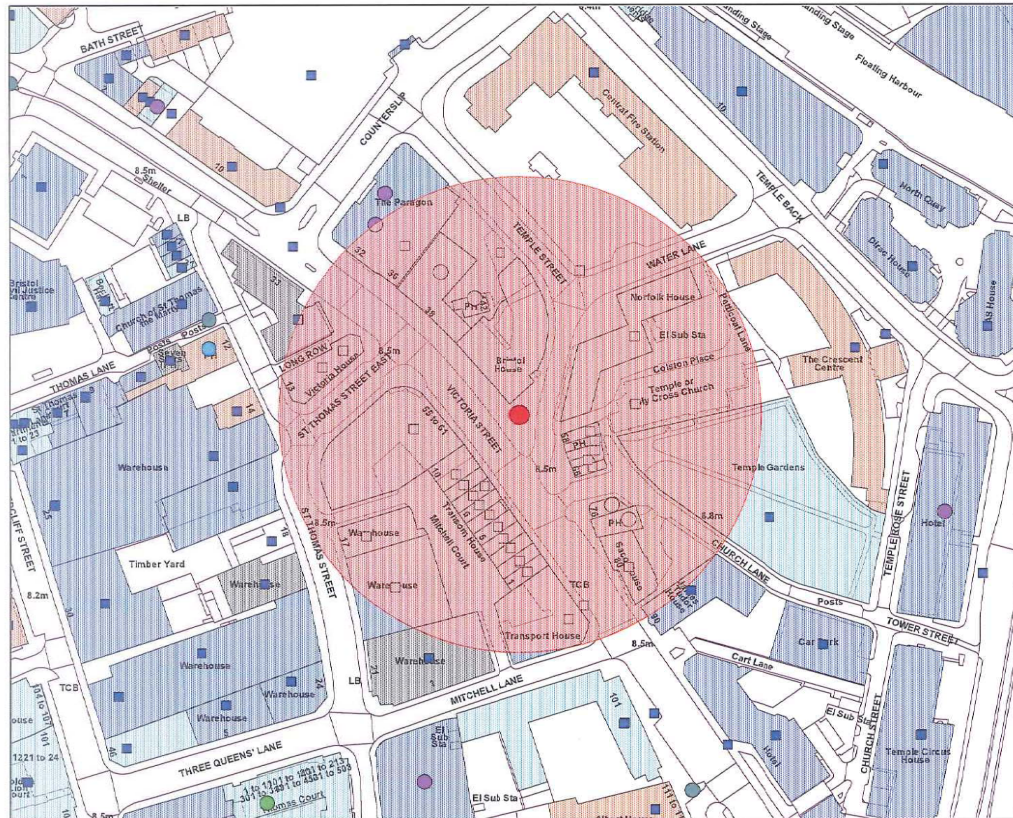






Application for the Grant of a Street Trading Consent

Woolly Cactus



Legend

Scale : 1:2222

Organisation	Bristol City Council
Department	Licensing
Comments	Victoria Street
Date	29 February 2012
SLA Number	Not Set

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**STREET TRADING CONSENT
INTERESTED PARTY REPRESENTATION**

RECEIVED VIA EMAIL AT THE LICENSING OFFICE ON:

RE: Woolly Cactus, Corner of Victoria Street and Bath Street

FROM: Friska, Unit 3 The Paragon, Victoria Street, Bristol

I am writing to lodge a comment re Application ref number 11/06957/STCON for another Hot Food Trailer on Victoria Street.

I am corresponding as a Business located on Victoria Street and feel that another mobile food trading outlet will look out of place on the road and not help with the development that is going around in the area. As such I am suggesting that the licence is not granted for the above application.

Bristol City Council		
Licensing	Date	Init
allocated		
Recorded	18/6/12	AK
Scanned		

***** = deleted to protect anonymity