

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

**Application for the Grant of Street Trading Consent at
Forecourt Outside St Johns Court, Whiteladies Road, Bristol**

Applicants: Jonny Butler

Proposed trading name: Into Coffee

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: Forecourt Outside St Johns Court, Whiteladies Road, Bristol

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 30 April 2012 Mr Jonny Butler 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

Speciality Coffee, other hot and cold drinks and cake:

During the hours of 0800 - 1600 Monday – 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 Residents

8. Mr Butler has provided some additional information in support of his application which is attached at Appendix F

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 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.

10. Mr Butler 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 residents

Appendix F – Additional information from applicant

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.
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.



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	BUTLER		
First Name(s)	JONNY		
Date of Birth	Day 13	Month 05	Year 1979
Current Residential Address	PINFARTHINGS CHURCH ROAD REDHILL BRISTOL		
Post Code	BS40 5SG		
Contact Telephone Number(s)	07969 021 547		

Part 2 – What will you be selling?

I wish to apply for the following type of consent <i>(please tick)</i>			
Static consent	Mobile consent		
Type of goods to be sold <i>(i.e hot food, jewellery etc)</i>	*HOT DRINKS - HIGH QUALITY SPECIALITY COFFEES, TEAS & HOT CHOCOLATES (ETHICALLY SOURCED) *SOFT DRINKS *HAND MADE CAKES		
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	
	N/A i.e COFFEE TRAILER.		
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)	(FORECOURT AREA, ST JOHN'S COURT) IN FRONT OF THE AUCTION ROOMS, WITHIN THE LOW WALLED AREA, CLOSE TO THE JUNCTION OF APSLEY RD AND WHITE LADIES RD.		
Where is the vehicle or trailer being stored when not being used?	AT HOME ADDRESS		
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	
		✓	

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	<table border="1"> <tr> <td>Cart</td> <td><input checked="" type="checkbox"/></td> <td>Barrow</td> <td></td> </tr> </table>	Cart	<input checked="" type="checkbox"/>	Barrow	
Cart	<input checked="" type="checkbox"/>	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>		<p>16ft¹¹ⁱⁿ LONG</p> <p>10ft 7in WIDE including 'customer hatch'</p> <p>9ft HIGH including fold-away roof sign board.</p> <p>PLEASE NOTE THAT ALL OF THE ABOVE ARE APPROXIMATE MEASUREMENTS.</p>					
Proposed trading name		INTO COFFEE					

Part 5 – Trading Assistants

Will you be using any assistants?	Yes		No	<input checked="" type="checkbox"/>
--	------------	--	-----------	-------------------------------------

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	8am	8am	8am	8am	8am		
To	4pm	4pm	4pm	4pm	4pm		

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:

.....
Proposed commencement date of consent..... 4th June 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) JONNY BUTLER **..... 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..... Jonny Butler

Date..... 27/4/12

APPENDIX C

Front of cart with customer hatch shut



Front of cart with customer hatch open



Measurements: Length: 16ft 11in
Width: 10ft 7in (including customer hatch)
Height: 9ft

Side of cart with jockey wheel



Other side

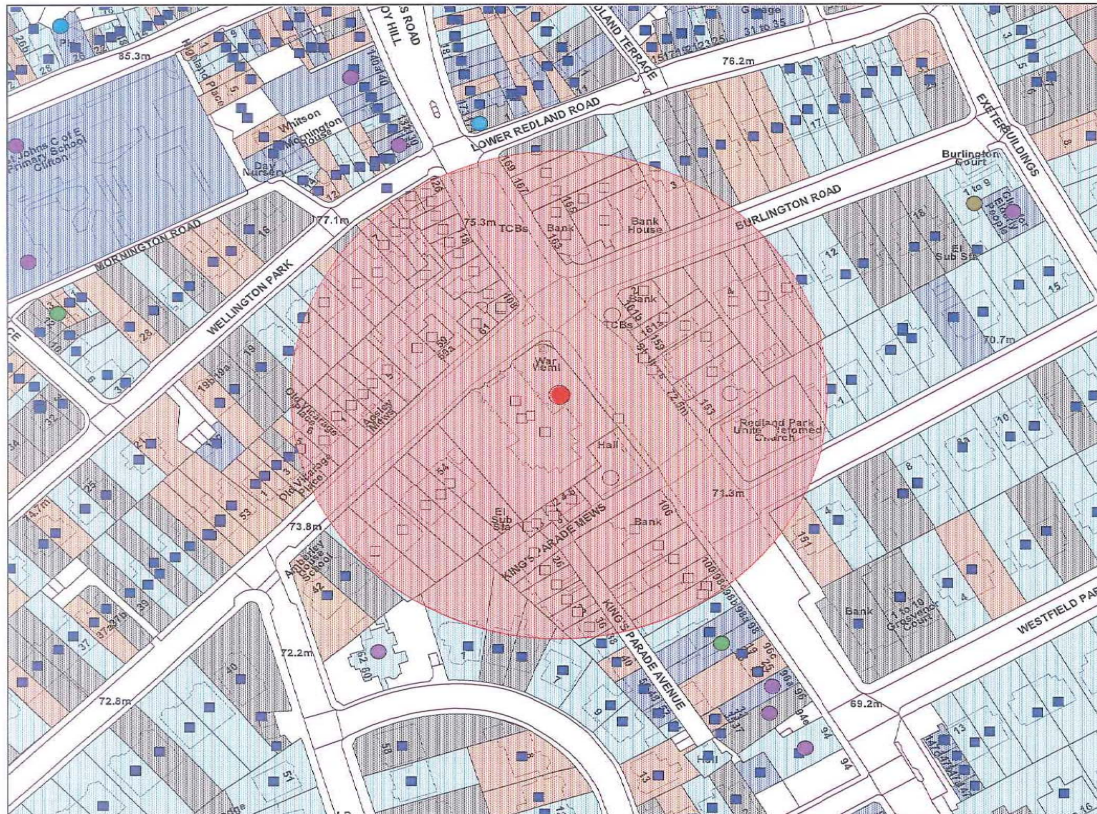


Staff side of cart which is enclosed by a canopy



Into Coffee

Forecourt of St Johns Court, Corner Whiteladies Road and Apsley Road



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

Legend

Scale : 1:1948

Organisation	Bristol City Council
Department	Licensing
Comments	
Date	11 May 2012
SLA Number	Not Set

**STREET TRADING CONSENT
INTERESTED PARTY REPRESENTATION**

RECEIVED VIA EMAIL AT THE LICENSING OFFICE ON: 18/05/2012

RE: Into Coffee, Forecourt of St Johns Court, Nr Junction Whiteladies Road

Dear Ms A Holman,

I wish to object to the proposed street trader application. There are plenty of cafes in the area who need our support to keep Whiteladies Road alive. I would be very concerned about the hours extending and nature of the foods sold from the cart changing over the years. Control of rubbish and people handing about would also make this area unattractive.

We do not need this facility here and it would be more suitable for an industrial estate or somewhere with no access to cafes.

St John City Council

Licensing	Date	Init
Validated	(A)	
Recorded		
Scanned	19/6/12	AA

**STREET TRADING CONSENT
INTERESTED PARTY REPRESENTATION**

RECEIVED VIA EMAIL AT THE LICENSING OFFICE ON: 24/05/2012

RE: Into Coffee, Forecourt of St Johns Court, Nr Junction Whiteladies Road

I would like to register my objection to the above street trading application. This will have a detrimental impact on existing traders in the area (esp. Latimers sandwich shop opposite). It will also get in the way of the regular farmers market that uses this area and which is very much a fixture of Whiteladies life.

WMSO City Council		
Licensing	Date	Init
Validated	(B)	
Recorded		
Scanned	19/6/12	AA

**STREET TRADING CONSENT
INTERESTED PARTY REPRESENTATION**

RECEIVED VIA EMAIL AT THE LICENSING OFFICE ON: 19/05/2012

RE: Into Coffee, Forecourt of St Johns Court, Nr Junction Whiteladies Road

I refer to your letter received 17 May 2012 regarding a street traders licence for the area outside St. John's Court, Whiteladies Road and as a rate payer in the direct area wish to register my objections to the granting of such a licence.

My objections are based on the fact that there are plenty of traders in shops on Whiteladies Road and in the very close vicinity in surrounding roads who have substantial businesses with fixed costs such as business rates and staff to maintain and in my opinion granting a licence to a moveable cart will be detrimental to existing long term businesses, which the people of the area, including me and other people in our offices use.

In fact there is an establishment exactly opposite St. John's Court a cafe in Apsley Road that sells hot and cold drinks and cakes, one directly opposite on Whiteladies Road selling the same, one in Lower Redland Road only a minute away which only sells hot and cold drinks and cakes and one one minute away opposite on Whiteladies Road selling hot and cold drinks, cakes and sandwiches. In addition within five to ten minutes walk there are any number of cafe's selling hot and cold drinks and cakes so we are not spoilt for choice. I am sure that these businesses, particularly the ones that sell only hot and cold drinks and cakes would suffer. Unlike a "Cart" with no assistants, and therefore I assume no employees, they do not have the ability to close at a moments notice with no costs and employ a large number of staff between them, which is bound to be good for the economy.

In the past six months one shop in Whiteladies Road one minute away from St. John's Court, selling only hot and cold drinks and cakes and also a cafe selling hot and cold drinks, cakes and a small selection of meals in Lower Redland Road, two minutes away, have closed, which indicates that there is not enough business for another establishment.

STREET TRADING CONSENT		
Activity	Date	Init
Received		①
Reviewed		
Scanned	19/6/12	AAA

**STREET TRADING CONSENT
INTERESTED PARTY REPRESENTATION**

RECEIVED VIA EMAIL AT THE LICENSING OFFICE ON: 20/05/2012

RE: Into Coffee, Forecourt of St Johns Court, Nr Junction Whiteladies Road

Dear Ms A Holman,

I wish to object to the proposed street trader application. Whiteladies Rd. does not need another food/ drink outlet.

I want continued support of existing cafes which provide proper facilities and containment and manage themselves well within hours suitable to co exist with a residential area.

I object on grounds of disposable take out packaging which is not part of the sustainability ethos and which will increase waste, litter and mess . Also, I suspect the pigeon, seagull and rat population will enjoy a big comeback.

Food and drinks carts have their place where there are no existing facilities but I feel the beautifully revamped Whiteladies Rd. will not be further enhanced by the presence of one in St. John's Court.

St. John's City Council		
Licensing	Date	Init
Validated	(D)	
Recorded		
Scanned	19/6/12	AK

May 26th 2012

To Whom It May Concern,

I wish, as a resident, at the above address to respond to the proposal no: 12/00748/STCON.
My reaction is: "Sincerely NOT". I feel that there are enough facilities for fast food and drinks already in this area... actually MORE than enough - every other shop outlet is either a cafe or express supermarket, and another would be superfluous as we are already 'cramped'. The trader's position, I'm sure, would be more successful on a more appropriate site. Thankyou!

Yours faithfully

Bristol City Council		
Licensing	Date	Init
Validated	(E)	
Recorded	11/12	MA
Signed		



Into Coffee Ref: Street Trading Consent for Forecourt Outside St John's Court

Our Responses to Representations Received for Proposed Site on Forecourt Outside St Johns Court, Whiteladies Road, Bristol

Ref. Date: 24/05/12

1. We are not operating at weekends or at any time when the Farmers Market is on, as specifically agreed in our lease / contract with the owner of St John's Court.
2. No existing traders, in the immediate area, purely specialise in coffee. We are not a sandwich or fast food operation. The only accompaniment to our drinks which will be available are a small range of handmade cakes.
3. We will only be operating from 8am to no later than 4pm Monday to Friday, again as agreed in our lease contract with the owner of St John's Court.

Ref. Date: 19/05/12

1. In the immediate vicinity there is only one outlet that sells coffee i.e. the café / restaurant / bar almost on the corner on Apsley Road, which by its nature is completely different to our operation as it serves snacks and meals and alcoholic beverages and thus attracts a different clientele. There is only one other primarily 'coffee specialist' outlet in the area which is located on Lower Redland Road, but this is not in close proximity to where the cart would be. We do not sell food other than a small range of cakes. See Appendix 4.
2. We do have a range of costs and overheads, and obviously whoever is serving behind the counter has to be paid. The initial start-up costs for us have been substantial and should not be dismissed. The cart itself cost more than equivalent to an average yearly lease charge for a small café. We also have running costs including the private lease for using St John's Court and the street trading fee payable to Bristol City Council, and the usual costs of power, insurance, repairs, water, waste disposal and maintenance.
Our service would be unique, i.e. it is different from any other coffee outlet in the area and unlike the existing provision we would have to rely purely on the sale of coffee and not have the fall back of serving sandwiches or meals which those in the immediate area have. Nor can we offer the comfort of undercover seating / toilet facilities etc.
We would mainly be catering for the passing trade rather than those popping out for a drink either to socialise or to have a meeting. We would also argue that there is a 'gap' in the market for an outside 'coffee bar'; some people do not wish to or can't enter a building.
3. The point about the café closing on Whiteladies Road due to a lack of business is not necessarily based on fact. The café always appeared to be well supported, i.e. it did not lack for customers. However, its size put great limitations on what it could do. A business closing could be due to a range of factors. We would also add that it is up to the customers to decide what outlet they use; they must be given the choice.
4. A further point regarding the fact that there are other building based traders nearby is that in a similar situation, Bristol City Council have allowed a coffee cart to trade, i.e. at the bottom of Park Street, backing on to the side of the council offices. Both situations have similarities; mainly commercial but some residential properties. However, Park Street has more 'café' outlets than the area around St. John's Court. The cart on Park Street faces one

established coffee shop and is very close to several others – there are fewer around the site we are wanting to trade on. As we would do, it caters for ‘passing trade’ and is not a food outlet. It is set close to the side wall of the Council Offices and therefore causes no obstruction. We would be set right back in the actual ‘court’ area of St. John’s Court, and like them, would not create any obstruction to passers-by. See Appendix 1.

Other building based cafes continue to trade alongside the venture on Park Street as they each offer a different kind of service which meets the needs of differing clientele. The cart on Park Street does not lower the tone of the area, as ours wouldn’t if placed in St John’s court. They also operate set hours during week days only, as we would do. We consider the granting of a licence for the coffee cart on Park Street and its on-going success counteracts many of the objections received and, although every area needs to be considered separately, creates a precedent for granting licences to coffee carts wishing to trade in ‘similar’ areas.

Ref. Date: 20/05/12

1. We are not a food outlet but a specialist upmarket coffee cart. How can this person speak for the whole of Whiteladies Road? It is important to remember that he or she is an individual and although entitled to their opinion, it is not necessarily the view of all on Whiteladies Road.
2. Hours of operation links in to those that would co-exist with a ‘part’ residential area, i.e. this is not purely a residential area; it is a main road filled with commercial outlets, i.e. there are galleries, banks, estate agents, charity shops, a kitchen shop etc. all in the immediate vicinity.
3. The key point is that our operation would be from 8am until 4pm Monday to Friday; i.e. no unsociable hours. Also not on Friday’s when the farmers market is on.
4. One of our key values is a commitment to operating in a way that is as environmentally friendly as possible:
 - All our cups and lids are fully biodegradable which few (if any) outlets in the area provide.
 - We provide one bin for general waste and one for recycling; we try to recycle as much as we can.
 - Under the terms of our lease agreement with the owner of St Johns Court, it is a requirement that we keep our immediate area free from litter; otherwise the lease will be terminated. We are only allowed on the site with the permission of the owner of St John’s Court / Auction Rooms, who themselves have a reputation to maintain, and they are very happy with our proposals.
 - Other than cups / drinks none of our products involve packaging.
 - We have minimal power requirements.

It could easily be argued that we are much more part of a ‘sustainability ethos’ than the outlets operating from an actual building; i.e. electricity / heating / water use etc.
5. As we are not a food outlet, leftover food in the immediate vicinity will not be an issue; there will be nothing to attract pigeons, seagulls or rats. See Appendix 4 which shows what we sell.

6. Many mobile fast food / drink outlets are not visually attractive. Our operation however, is a bespoke 'upmarket' cart which has been carefully designed to be both visually attractive and in keeping with the Whiteladies road area. See Appendix 2 and Appendix 3.
We feel the cart rather than spoiling the area would add something to the area, i.e. a further point of interest. Since operating, many people have already commented on how positive the cart looks and how surprised they are to see such a high quality product / unit.

Ref. Date: 18/05/12

1. Again, one person's opinion that there are 'plenty' of cafes in the area already. Factually there is only café in the immediate area, i.e. near the corner on Aspley Road, which is a café / bar restaurant, rather than a café. The only 'actual' café is on Lower Redland Road, which is not in the immediate vicinity and again does not specifically cater for 'passers-by'. There is nothing in that area like the service we would be offering i.e. outside facility, specifically for 'passers-by'.
2. Our set hours of operating between 8am to 4pm; as per our lease /contract with the owner of St. John's Court- Monday to Friday only and not when the Farmers Market is there. We would have no need to ask for an extension as we are a coffee cart and not a food outlet. There would be no demand for coffee in the evening.
We can only operate if the owner of St John's Court agrees and is happy with our conduct; i.e. we have agreed what we can and can't do.
The issue of 'rubbish' – please see our response to this above.
People already 'hang about' in the court yard area, sitting on the seats provided and also when the Farmers Market is on. This doesn't spoil the area, so why should ours? As we would be attracting passers-by, our customers would be less likely to 'hang about'. Also, we again would emphasise that we would not be trading beyond 4pm.
"We do not need..." – again an individual's opinion and not necessarily that of everyone's.
3. Our cart would look out of place on an industrial estate due to its upmarket style and nature. See Appendix 2 and Appendix 3. As you will clearly see, it has no similarity to a burger / fast food trailer.

Ref. Hand written

7. We are not a fast food outlet, nor are we a café or an 'express supermarket'. It is factually incorrect for the objector to claim that "every other shop outlet is either a café or express supermarket" i.e. there are galleries, banks, estate agents, charity shops, a kitchen shop etc. all in the immediate vicinity.
8. We are an upmarket coffee cart. We would be set back within the actual court yard area and not stuck in the middle of a thoroughfare, therefore not causing an obstruction. The style and design of the cart would blend in with the setting.



Address ~~100~~ Whiteladies Road

ST JOHN'S COURT SITE.

Address is approximate



APPENDIX 1

INTO COFFEE
STREET TRADING CONSORT
ST. JOHN'S COURT



INTO COFFEE
STREET TRADING
ST JOHN'S COURT

APPENDIX 2



INTO COFFEE
STREET TRADING COMMISSION
ST JOHN'S COURT

APPENDIX 3

Menu

All our coffee, teas and hot chocolate are ethically sourced

	Small	Regular
Americano		
Flat White		
Cappuccino		
Latte		
Espresso <i>(Single / Double)</i>		
Macchiato		
Mocha		
Hot Chocolate		
Ultimate Hot Chocolate <i>(with whipped cream and mini mallows)</i>		
Tea		
Herbal / Fruit Tea		
Extras <i>(Espresso Shot, Whipped Cream, Mini Mallows, Syrup Shot)</i>		
Fresh Orange Juice <i>(Cup of)</i>		
Fruit Juice Cartons <i>(Fair Trade)</i>		
Bottled Pure Fruit Juice		
Bottle Green		
Mineral Water <i>(Locally sourced)</i>		
Coke / Diet Coke / Fanta		
Try our delicious handmade cakes, including gluten and dairy free		

APPENDIX 4

INTO COFFEE

STREET TRADING CONSULT

ST JOHN'S COURT