

**BRISTOL CITY COUNCIL
PUBLIC SAFETY AND PROTECTION COMMITTEE**

**Application for the Grant of Street Trading Consent Outside of
Habitat, Queens Road, Clifton, Bristol
Applicant: Mr Mustafa Durdu
Proposed trading name: Peep's Kebabs**

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: Queens Road, Clifton, 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. Mr Durdu has traded at this location since 2001 under the terms of a Street Trading Licence and this application is as a result of the changes made by Bristol City council as of 1 May 2009
4. He has had the benefit of a Licence under the Licensing Act 2003 to sell hot food from this location since February 2006
5. Photographs of the unit are attached at Appendix A and a site location plan at Appendix B.

6. On 21 August 2009 Mr Mustafa Durdu applied for a street trading consent which, if granted, would enable them to continue trading lawfully. The applicant applied to sell the following goods

Kebabs, Burgers, Chips, Cold Drinks.

:

During the hours of 20:00 - 02:00

From Sunday

During the hours of 20:00 - 05:00

From Monday to Saturday

Consultation

7. In line with the Council's policy consultation has taken place with the following interested parties:-

Local Residencies

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

6. Consultation Responses

The following responses have been received.

Appendix C - Residents

Appendix D - Nearby businesses

Appendix E - Other agencies

Appendix F - Ward Councillors

7. 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 licence 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 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.

8. Mr Durdu 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 01179142500

Appendix A

Photographs

KEBAB CHICKEN BURGER CHIPS

DONER KEBAB
CHICKEN KEBAB
BURGER
CHIPS



Payment slot and a red diamond warning symbol are visible on the side door.

Menu board with prices and food items visible through the service window.

Item	Price
Doner Kebab	£3.99
Chicken Kebab	£3.99
Burger	£2.99
Chips	£1.99



JASON DONERVAN



Appendix B
Site Location Plan



Application for Grant of a Street Trading Consent.

Peep's Kebabs, Outside Habitat, Queens Rd, Clifton

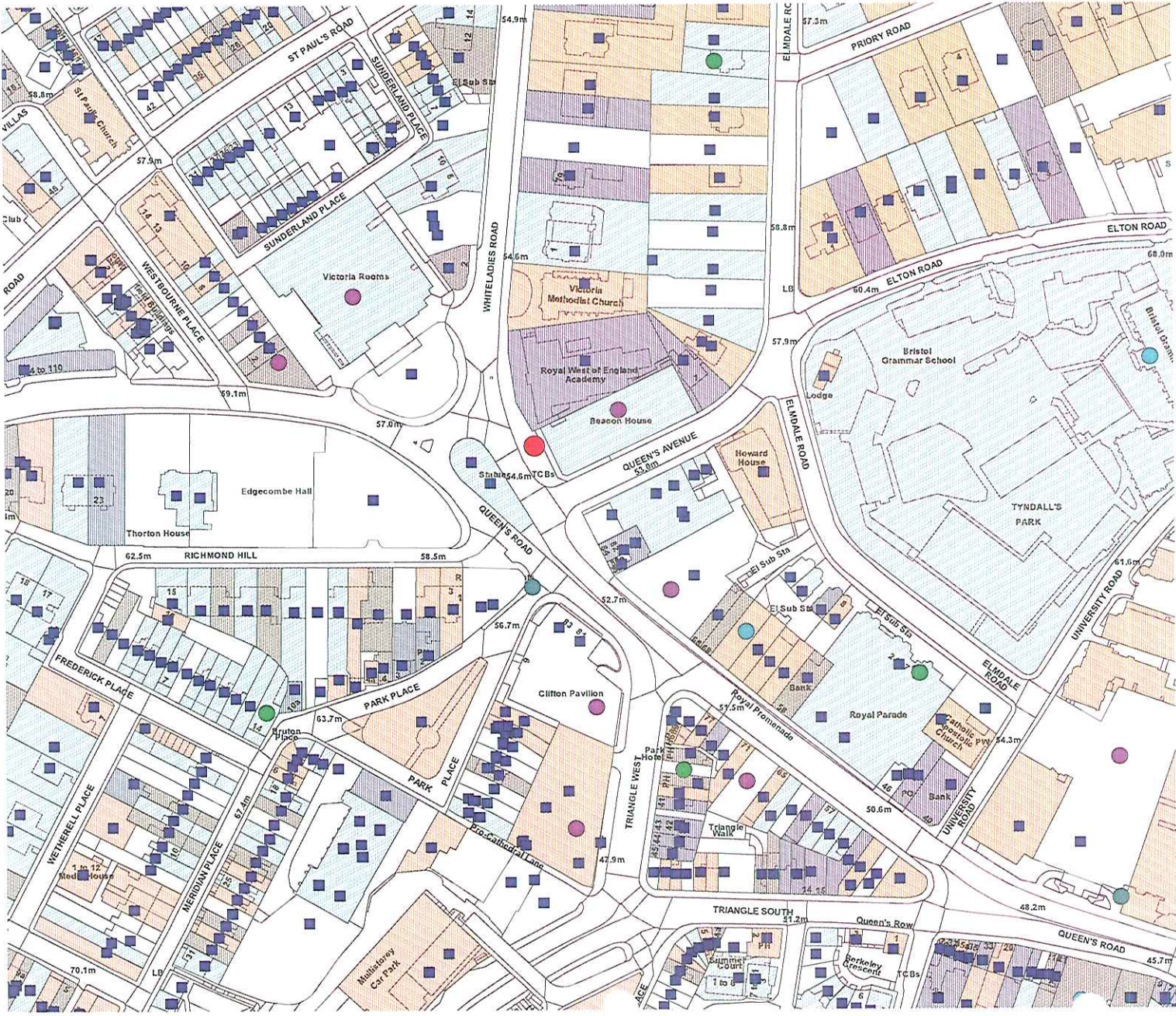
LEGEND

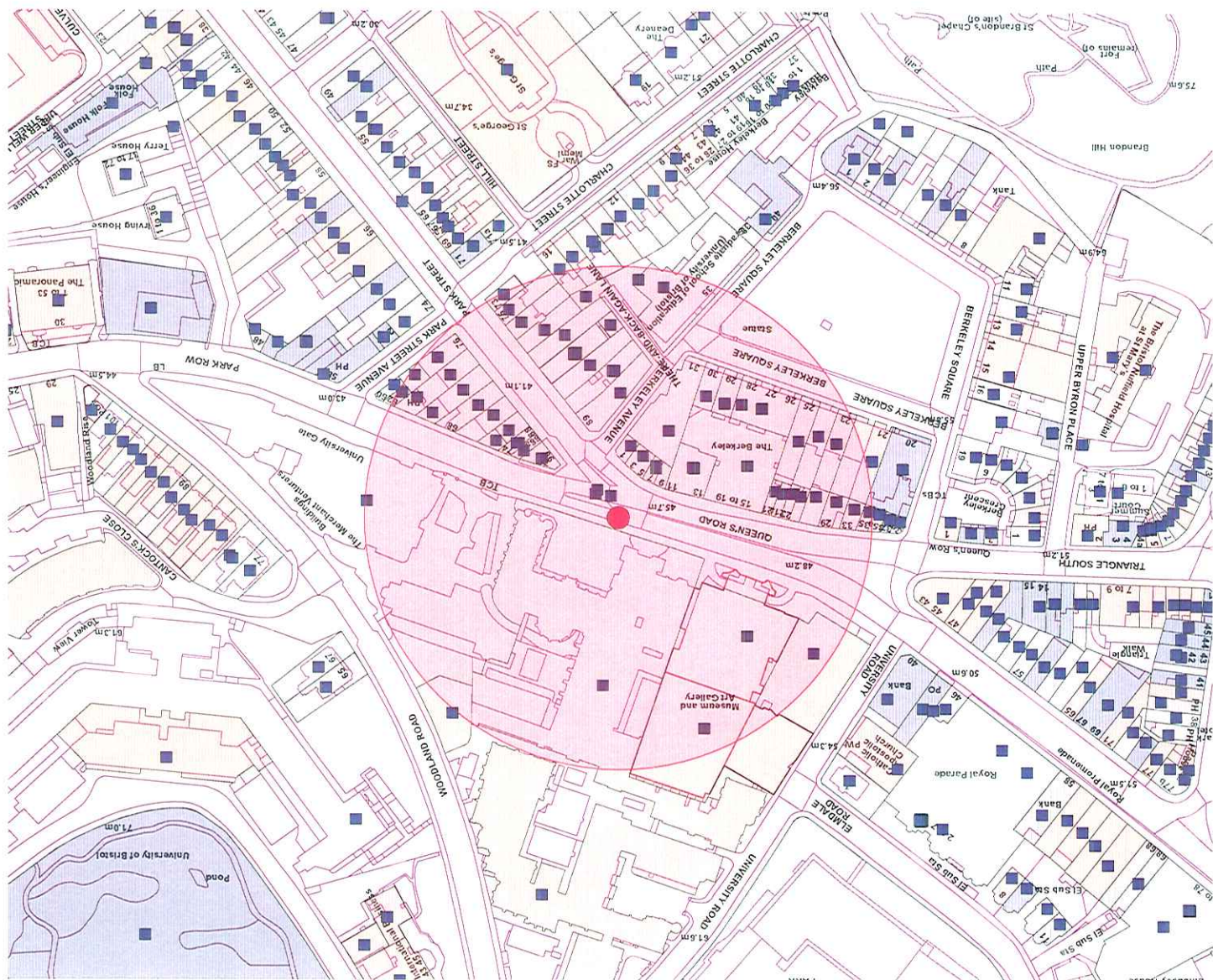
Licensing Points

- CLUBPR
- COLH2H
- COLSTR
- GAAGC
- GABETO
- GABING
- GACAS
- GACMP
- GAFEC
- GALAMA
- GALAMP
- GALOTT
- HYPNO
- LAPER
- METSAL
- METSCR
- PEL
- PREM
- PRNIP
- STCON
- STLIC
- TENS
- TXHCD
- TXHCDA
- TXHCDR
- TXHCV
- TXPHD
- TXPHDA
- TXPHV
- Default

Scale: 1:2500

Organisation	Not Set
Department	Not Set
Comments	
Date	21 August 2009
SI A Number	Not Set





Appendix C

Residents



27th August 2009

Dear Sir

Application ref 09/02731/STINN Street trading consent, Peep's Kebabs, Queens Road

We received notification by post on 25th August about the above application for a street trading consent for a kebab van outside Habitat on Queens Road. My husband and I strongly object to this application and respectfully ask you to refuse the application. The residents near this part of Queens Road already have to suffer from anti social behaviour throughout the night due to the number of night clubs in the vicinity. The existing kebab van outside Habitat is already a nuisance in that litter is then strewn in the surrounding roads particularly Richmond Hill which is a major pedestrian thoroughfare.

The application is for trading throughout the night until 5.00am except Sundays. The current kebab van generator can be heard in the night, even though it does not reach the threshold for action by environmental health. The Queens Road area around the Victoria Rooms and up to the main shopping parade is like a large auditorium and noise from late night revellers is amplified being heard along most of Richmond Hill. We understood that the policy for revellers leaving night clubs was to encourage dispersal quickly and safe travel home. When people remain in the locality after leaving the bars and night clubs this creates more noise and more litter in the surrounding streets.

Complaints have been made to the Police and local Councillors about the anti social behaviour in this area. We do not want any food stall operating near our homes throughout the night attracting noisy people and litter.

Please refuse this application.

Thank you

Yours faithfully

Appendix D

Nearby businesses

**STREET TRADING CONSENT
INTERESTED PARTY REPRESENTATION**

RECEIVED VIA EMAIL AT THE LICENSING OFFICE ON: 28/08/2009

RE: Peeps Kebab

FROM: Local Business, Habitat
Dear Mark

Re: Application ref.number 09/02731/STCINN

I am writing to inform you that Habitat strongly opposes this application for Peeps Kebabs, outside of our store on Queens Road, Clifton, Bristol.

There is currently, already one kebab van which trades from this site each evening and we can see no reason why another should be allowed in such close proximity.

The current trader creates extra work for our staff each morning as we have to clear rubbish, dropped food & often clean the large front windows of smeared food/grease, before we can open for business. The concrete flooring and paving slabs have become permanently stained and are an eyesore to this beautiful, listed building.

We often have overnight alarm activations where people attracted to these vendors, lean/bang onto the windows and last year alone we spent £1750.90 on re-glazing, due to overnight vandalism.

We hope you appreciate our concerns and we look forward to hearing from you in due course.

Kind Regards

Jo

Hi Mark

We now understand this trader to be the existing street trader who appears to be re-applying for consent.

We would still like to oppose this application as we believe if the vendor could be moved on, it would greatly improve our working environment.

I hope this clarifies our situation and look forward to hearing from you.

Kind Regards

Jo

From: Jo Lucas

Appendix E

Other Agencies



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

Objection Form – Street Trading Consent

Consultee: **Public Health Services (Food Safety and Health and Safety)**

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

Proposed trading name of the proposed site	Peep's Kebabs
Proposed Site address	Outside Habitat Queens Road Clifton Bristol
Objection	<input checked="" type="checkbox"/> NO <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>

Outlined below is the reason for our objection including any related evidence I have gathered.

I have no evidence to suggest that any further restrictions should be applied to this consent other than the standard conditions

Suggested conditions that could be added to the licence to the objection and which you would like the Licensing Sub Committee to take into account. Please use separate sheets where necessary and refer to checklist

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

Signed: H Mebarek

Date: 1 September 2009

Appendix F

Ward Councillors

STREET TRADING CONSENT INTERESTED PARTY REPRESENTATION

RECEIVED VIA EMAIL AT THE LICENSING OFFICE ON: 08/09/2009

RE: Peeps Kebabs

FROM: Ward Councillor

Mark,

Apologies for the delay in sending my comments on this application.

I strongly feel that this should be turned down. This particular trader has been the subject of countless complaints to me and colleagues from nearby residents (in both Cabot ward and Clifton East ward). The basis for these is usually one or all of the following: noise from generators and customers, smells and litter.

In addition, renewing this licence would continue a situation of unfair competition for nearby traders at the Triangle, the character of which is largely based on different kinds of food provision (restaurants, coffee shops, fast food takeaways etc). Obviously these fixed operators have significant overheads (premises costs, business rates etc) which are not borne by mobile units. Given the state of the economy, I am very concerned that before long, we will have large numbers of boarded-up premises at the Triangle - one trader told me recently that his business is not making any profit. In my view, it would be justifiable therefore for the Council to refuse this licence on the basis that there is no commercial need for its continuing operation.

Can you let me know when this application is likely to go to PSP?

Many thanks,

Alex.

Cllr Alex Woodman
Liberal Democrat Councillor for Cabot