

**Bristol City Council**  
**Minutes of the Public Safety and**  
**Protection Committee**



**7 June 2016 at 2.00 pm**

**Members Present:-**

**Councillors:** Chris Davies, Donald Alexander, Richard Eddy, Sultan Khan and Chris Windows

**Officers in Attendance:-** Pauline Powell, Elaine Kale, Abigail Holman and Jeremy Livitt

**Apologies for Absence:** Councillor Anna Keen, Ruth Pickersgill and Paula O'Rourke

**1. Election of Chair**

In view of the decision at the previous Full Committee to hold this meeting as a Full Committee rather than a meeting of Sub-Committee A, it was noted that no action was required for this item as a Chair had previously been elected for the Full Committee.

**2. Election of Vice-Chair**

In view of the decision at the earlier Full Committee to hold this meeting as a Full Committee meeting, it was noted that the Vice-Chair had previously been elected and that, therefore, no action was required for this item.

**3. Welcome, Introductions and Safety Information**

The Chair welcomed everyone to the meeting and asked them to introduce themselves. He also provided safety information for all those attending.

**4. Apologies for Absence and Substitutions**

Apologies for absence were received from Councillors Keen, Langley and Pickersgill.

**5. Declarations of Interest**



Councillor D Alexander advised that he did not have a Disclosable Pecuniary Interest in this matter but was a member of the Downs Committee and would take the necessary action when this issue in the event that this matter was discussed at that Committee in future.

## **6. Public Forum**

The Public Forum Statements were noted and a copy was placed in the Minute Book for viewing by members of the public.

## **7. Minutes of Previous meeting**

The Minutes of the meeting of Sub-Committee A held on Tuesday 19<sup>th</sup> April 2016 were approved as a correct record and signed by the Chair.

## **8. Street Trading Application - Sea Walls**

The Committee discussed an application for the grant of A Street Trading Consent at Sea Walls Adjacent To Public Conveniences Circular Road, Durdham Down.

The Committee Received 16 Public Forum Statements from the following speakers, details of these statements are available for Inspection in the Minute Book:

- 1 Alan Preece
- 2 Delphine Barnes
- 3 Elizabeth Balmer
- 4 Jo and Brad Hall
- 5 Kean Seager
- 6 Margaret Burgess
- 7 Michael Goldsmith
- 8 Natalie Beaufiles
- 9 Sheila Singleton
- 10 W R Rennison
- 11 Councillor John Goulandris
- 12 Angela Reader
- 13 Caroline Baker
- 14 Michael Andrews
- 15 Bridget Brook
- 16 Chris and Cathy Lewis

The Licensing Officer introduced the application and explained the differing roles of the Downs Committee and the PSP Committee in this matter. She indicated that a large number of representations had been received in respect of this application, together with a small number since the report had been produced.



In response to a member's question, it was confirmed that all responsible Statutory Authorities had been consulted in the process, including the Police, the Council and residents within 100 metres (the latter amounting to 14 addresses) as required under the legislation. There was no requirement in the legislation to put up on site a notice concerning this licence application.

The Applicant (Steve Bellot) was in attendance, together with a representative (Jason Birakos). Mr Birakos advised the Committee that the applicant had seen an advertisement for the licence and, following a formal tendering selection process, had been awarded the contract. He confirmed that:

- (1) they had advised key groups on the Downs wherever possible about this contract, including dog walkers, utility groups and buggy users;
- (2) a Waste Management Plan had been created to ensure all rubbish within 10 meters of the van would be cleared and rubbish disposed of appropriately;
- (3) The food was sourced from locally grown organic vegetable produce and the meat through Ruby White Butchers in Whiteladies Road. There would be high quality produce;
- (4) The Applicant was shocked at the lack of consultation on this contract. He confirmed that he would have been happy to present the case for his business to local residents;
- (5) The Applicant did not anticipate that views of residents would be blocked significantly if at all;
- (6) The period of operation of the licence was from 7am to 10pm or dusk whichever was the sooner – everything would be removed at night;
- (7) The hard standing was already present before the applicant had applied for the portal;
- (8) The original application would have been received by Bristol City Council as landowners;
- (9) The contract also specified the requirement for a Food Hygiene Certificate and a Street Trading Licence.

It was noted that, under Paragraph 27(b) of the Licence, there was a requirement for a valid street trading consent following the award of the tender on 18th January 2016.

The Legal Representative confirmed that the issues of the contract and policy were issues for the Downs Committee – the PSP Committee could only discuss Regulatory matters. She stated that, in her view, clarification was required from the Downs Committee concerning the issue of the byelaw.

Councillors expressed concern that the matter had not been handled in a way that was fair either to the applicant or to the respondents.

It was moved by Councillor Khan, seconded by Councillor Windows and, upon being put to the vote, it was

Resolved: (unanimously) – that the Committee expresses its concern that issues relating to consent and consultation appear not to have been resolved by the Downs Committee and that a decision is therefore deferred pending reconsideration of these issues at the earliest opportunity by the Downs Committee, including in particular clarification as to whether the trading applied for at the times sought and by this



particular applicant has the necessary consent under the street trading byelaw for which the Downs Committee is the regulator.

#### **9. Exclusion of Press and Public**

Resolved – that under Section 11A (4) of the Local Government Act 1072, the public be excluded for the following items of business on the ground that it involves the likely disclosure of exempt information as defined in Part 1 of Schedule 12A to the Act, as amended.

#### **10. Application for the grant of a Private Hire Vehicle (PHV) licence seeking a departure from council policy and a request for an exemption**

The Committee noted that the applicant had withdrawn this application.

#### **11. Application for the renewal of a Hackney Carriage Driver (HCD) licence**

The Committee noted this application for the renewal of a Hackney Carriage in respect of a criminal offence.

Following questioning of the applicant by the Committee and officers, the applicant was asked to withdraw while a decision was made.

Resolved – that, having taken into account the particular circumstances of the case, the licence is renewed on the basis that the applicant remains a fit and proper person to hold a licence but that the applicant is warned for his behaviour.

#### **12. Date of Next Meeting**

Members noted that the next meeting would be a meeting of PSP Sub-Committee B to be held at 10am on Tuesday 14<sup>th</sup> June 2016 in a Committee Room in Brunel House, St George's Road, Bristol.

Meeting ended at 3.50 pm

**CHAIR** \_\_\_\_\_



**AGENDA ITEM NO 8**

**BRISTOL CITY COUNCIL  
PUBLIC SAFETY AND PROTECTION COMMITTEE  
7 June 2016**

**Report to consider an application for the Grant of Street Trading Consent(s) at Sea Walls, Adjacent To Public Conveniences Circular Road, Durdham Down**

**Applicant: Steve Bellot**

Report of the Service Manager – Regulatory Services

**Purpose of Report**

To determine an application for the grant of a Street Trading Consent at the following location: **Sea Walls, Adjacent To Public Conveniences, Circular Road, Durdham Down**

**Background**

1. 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.
2. The land is owned by Bristol City Council.
3. This location is part of an area known as Durdham Down which, together with Clifton Down are managed by the Downs Committee, a statutory body, established by an Act of Parliament known as The Clifton and Durdham Downs (Bristol) Act 1861 (Downs Act). This body are empowered to ask the council to make byelaws to help them fulfil their statutory duties to manage the land under the Downs Act. The council has made byelaws.

4. Byelaw 6 states *'No person shall on the Downs, without the consent of the Downs Committee, sell or offer or expose for sale, or let to hire, or offer or expose for letting to hire, any commodity or article.'*
5. The Downs Committee have given consent for trading to take place at this location and the Council as landowner has granted a contract for use of its land which includes conditions governing matters such as prevention of litter and rubbish accumulation, quality and design of product and vehicle, and power supply to be electricity only.
6. General conditions which would normally be attached to a licence/consent if granted are at Appendix A, however the position in relation to The Downs is unusual in that the council has made a byelaw that enables another public body (the Downs committee) to regulate street trading on most of the Downs. It is not clear that the council has ever had cause to consider the effect of there being two street trading regimes operating on the Downs and it may be that Members will wish to revisit in due course whether it is necessary and proportionate for street trading controls to remain in place for this area given the issue is covered by the byelaw referred to in paragraph 4 above. Meanwhile the controls exist and the application must be determined, but the Committee is advised that:
  - a. If a street trading consent is granted the Council should take care not to impose conditions that are inconsistent with the conditions imposed through the consent already given by The Downs Committee;
  - b. when deciding whether or not to grant a street trading consent, the views of the The Downs committee, being the body with a statutory duty to manage The Downs, should be afforded appropriate weight; and
  - c. given the objections that have been received and that do not appear to have been before the Downs Committee, Members may wish to seek the observations of the Downs Committee prior to making their decision.
7. Photographs of the proposed trading site are attached at Appendix B and a site location plan at Appendix C.
8. On 18 January 2015 Mr Steve Bellot applied to sell the following goods:  
Burgers, Chips, Hotdogs, Roasted Meat, Sandwiches, Hot

pressed bread, paninis, rice dishes, charcuterie, kebabs, soup, tea, coffee, soft drinks

During the hours of 0600 – 2200 Monday to Sunday

Photographs of Mr Bellots's trading unit are attached at Appendix D

The applicant has demonstrated that consent exists for the activity from both the landowner (Bristol City Council) and under the byelaw (from the Downs Committee); however it appears that those two permissions do not extend to the hours between 6 and 7 a.m. Trading between 6 and 7 a.m. would be a criminal offence, therefore if the applicant maintains the application to commence from 6 a.m. Furthermore those consents are not in given in favour of the applicant, but refer to a company. Whilst it is appreciated that the applicant and the company may be related it is important that this committee does not give consent to trade that would be contrary to the byelaw.

Members are therefore advised to defer determination to obtain the observations of the Downs Committee in relation to the application

## **Consultation**

9. The Council's policy states that normally consultation will take place with the following interested parties:-
  - a. Local Residents
  - b. Local businesses
  - c. Bristol City Council – Highways officer
  - d. Bristol City Council – Planning Team
  - e. Bristol City Council – Food Safety Team
  - f. Bristol City Council – Pollution Control Team
  - g. Bristol City Council – Councillor
  - h. Avon and Somerset Police

Standard consultation was undertaken in respect of this application

## **Consultation Responses**

10. The following responses have been received.

A high number of representations from local residents and local councillors were received in respect of this application, which are included at Appendix E.

## Officer Considerations

In light of the comments received the committee may wish to seek the observations of the Downs Committee on this application prior to determining it

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 licence/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. 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.
  - i. 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.
  - j. 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. The applicant has been provided with a copy of the report and has been invited to the meeting.

**RECOMMENDED** The committee is recommended to seek observations on the application and objections received from the Downs Committee including clarification of whether the trading applied for, at the times sought and by this particular applicant has the necessary consent under the street trading byelaw for which the Downs Committee is the regulator.

**LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**  
**Background papers**

**Contact Officer:** Ms A Holman, Senior Licensing Officer



**Ext:** Telephone 01173 574 900

Appendices:

Appendix A	General Conditions
Appendix B	Photos of site
Appendix C	Location Plan
Appendix D	Photos of trading unit
Appendix E	Representations received