

**BRISTOL CITY COUNCIL
PUBLIC SAFETY AND PROTECTION COMMITTEE
28 March 2017**

Report to consider an application for the Grant of Street Trading Consent(s) at Avonmouth Road (B4054), Directly Beneath Raised Section Of M5, Bristol

Applicant: Paul Harrison

Report of the Service Manager – Regulatory Services

Purpose of Report

1. To determine an application for the grant of a Street Trading Consent at the following location: Avonmouth Road (B4054), Directly Beneath Raised Section Of M5, 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. General conditions which would normally be attached to a licence/consent if granted are at Appendix A.
4. Photos of the site are attached at Appendix B and a site location plan is attached at Appendix C.
5. On 15 September 2016 Mr Paul Harrison applied to sell the following goods:
Stone baked Pizza; Pasta; Coffee and Cold Drinks

During the hours of 1700 – 2200 Wednesday to Friday

Consultation

6. 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

7. The following responses have been received.

Seven representations were received from relevant persons which are attached at Appendix E. No representations were received from any of the responsible authorities.

Officer Considerations

8. The applicant has submitted additional information in respect of the application and in response to the representations 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 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. 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.

10. The applicant has been provided with a copy of the report and has been invited to the meeting.

RECOMMENDED The committee is recommended to determine this application.

**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 attached to a street trading consent
Appendix B	Site photos
Appendix C	Site location plan
Appendix D	Photos of the trading unit
Appendix E	Representations
Appendix F	Additional information from applicant

STREET TRADING CONSENT - GENERAL CONDITIONS

1. The consent holder shall only trader on the days and between the times stated on the consent.
2. 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.

N.B This consent is issued without prejudice to any other statute, by-law or regulation. This consent does NOT over-ride any regulations regarding parking, food hygiene, obstruction, etc





Paulios Pizza, (B4054), Directly under Raised Section Of M5

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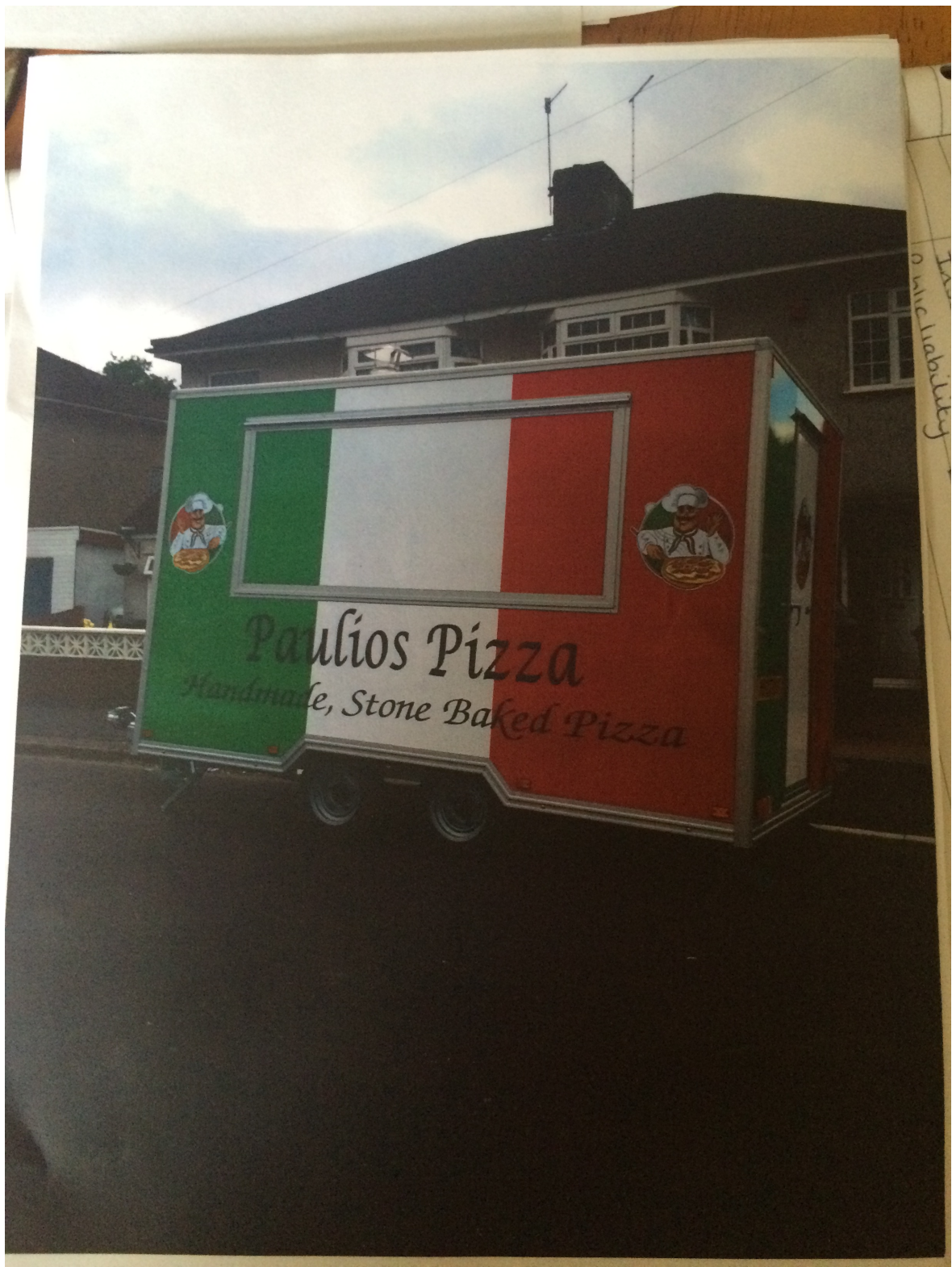
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Insurance -
Public Liability - £91.13



Representation from Cllr Matt Melias

I fully object to this application.

I feel that the cumulative impact of fast food and take aways within Shirehampton/Avonmouth is a negative thing and is having a negative impact on the health of residents.

There is another take away van operating less than a mile away.

The target audience for this venture is clearly drunken revellers and not family meals.

The location would invite youths to congregate under the bridge and an increase in ASB is likely

Representation 01

I live with my family on Avonmouth Road in Shirehampton. We strongly disagree with pizza trailer on our street. This road is too narrow. We all have a problem with rats outside, and this can make more of them. Smell and leftover food doesn't help! Plus all rubbish that we have extra, already in our front garden from food that people buy just in the corner on Atlantic Road.

Representation 02

I am a local resident living at Avonmouth Road.

With regards to application for pizza/pasta van. We feel very strongly against it there is bound to be a lot more rubbish traffic and noise. Our road hardly ever gets cleaned as it is, and how do we know that once there they won't increase their hours. We are very much against this and if it goes ahead we will apply for a rate rebate.

Representation 03

In reply to your letter dated 27th January 2017 regarding a Street Trading Consent Application. I am writing to say as a local resident I am strictly against this application.

I feel it is not a safe location for such a business. Avonmouth Road is a very busy main road and a van parked in this location could cause traffic congestion especially at certain hours of trading. Also, there is a similar type of van trading in Atlantic Way just down the road from this proposed application.

Representation 04

I write as a local resident who objects to the application for street trading consent ref 16/05877/STCON.

I object to the consent application for the following reasons:

Avonmouth Road (B4504) is a very busy road and has a high volume of large and heavy vehicles at all times of the day and evening. The proposed trailer will contribute to increased congestion and will potentially cause a highway obstruction.

The footpath along the Avonmouth Road is also heavily used by foot traffic, and the proposed trailer would potentially cause an unacceptable level of footpath congestion, forcing pedestrians to cross an extremely busy road to pass safely on the other side, and also the potential obstruction to cyclists, many of whom choose to use the footpath rather than cycle on the busy Avonmouth Road due to the high volume of heavy traffic.

I am very concerned about increased levels of rubbish and waste, and the corresponding level of vermin that such waste would attract.

The proposed trailer would be a focus place for gatherings of people, including youths, and as such I am concerned about an increased level of anti-social behaviour.

The proposed site as marked on the enclosed map is directly opposite a clearly marked police/emergency space.

The proposed site as marked on the enclosed map will severely obstruct my view when pulling out from/backing into my driveway into the very busy Avonmouth Road. Presently I have a clear view along the road when driving in and out of my driveway, but a large catering trailer on the position indicated on the map will cause a dangerous obstruction to my view.

It is my submission that such a catering trailer should in no circumstances be placed on such a busy road, and would be more suitably placed within a trading estate, or in a suitable lay-by. The current application would be severely detrimental to residents in the local area for all those reasons as stated above, and I object to this application.

Representation 05

Re: Application 16/05877/STCON

With reference to the above application for Street Trading Consent I object for the following reasons ;-

Noise

Any sounds emanating from under the raised section of the M5 echo and are magnified, causing a disturbance to local residents.

Litter

Possibly customers will purchase their requirements, then walk away eating and dispose of wrappings on the pavement or into gardens. As rats can be seen at times in this area, any litter would exacerbate the problem.

Safety

This road (B4054) is extremely busy with private cars, vans and also HGVs. At the suggested commencing time of 17:00 there is considerable congestion with waiting traffic and tail-backs. When the road is quieter, traffic often exceeds the 30mph limit thereby causing a danger to parked vehicles and pedestrians. The Police speed camera van is parked on the central reservation under on a regular basis so presumably it is considered this section of road needs constant observation.

I am responding to this application as a resident of Avonmouth Road.

Representation 06

We are residents of Avonmouth Road, Bristol. BS11 9ND and wish to raise objections to the above application for the proposed fast-food vehicle business directly beneath the raised section of M5 on Avonmouth Road. We already have problems with the litter and food rubbish from the burger/kebab van which trades on Atlantic Road, which has been thrown into the front gardens of the houses along Avonmouth Road. There has also been an increase in the number of vermin in the area as a direct result of this. There are no council rubbish bins in the area, nor do the businesses themselves provide any. Therefore, we strongly oppose the granting of the licence to trade.

P7

There are no local traders offering 'stone baked' pizza. I have added to my offering 'Pasta Pots' as I appreciate that not everyone likes pizza.

The proposed pitch allows customers to safely park and be out of the elements. There are pedestrian crossings at both ends of the road allowing safe travel / passage to foot custom.

I have spent considerable money on the style and type of trailer (including the power source) and did this considering the needs of both the local residents (nearest one is approx 150ft away) and also the prospective customers.

I have Italian heritage and believe the design of the trailer would improve the ambiance of the area.

I have been a local resident for most of my adult life and have served my community, I was on the Avonmouth Community Council, I was a local school governor and I was also a coach at Avonmouth RFC.

I would appreciate a speedy and positive outcome to your consideration.

Paul Harrison

Further additional information from applicant

Dear sirs,

My personal background.

I am 46 years old, living in Shirehampton (West Town Road), with my fiancé and her 3 children.

For over 25 years I was involved in the supply of safety items, until January 2016 when I was made redundant. Please also note that since my redundancy I have not made any claim to benefits of which I may be entitled to.

I have Italian heritage and that along with my keen interest in world foods was what drove me towards my business venture.

I have for the past year been under the tutorage of Mr Simon Pomphrey who runs a similar business based in Chew Stoke. This I have done on a voluntary basis (unpaid) as I felt the need to gain experience before embarking on my own.

I have NCASS accreditation (Food Hygiene Level 3).

The trailer I have was purpose built and all items within were chosen to minimise the effects on both the environment and the local community.

The trailer was purchased using my redundancy money £20K+.

I was a pupil at Portway Comprehensive and also served as both a school governor (Avonmouth) and sat on the Avonmouth Community Council. I have a strong connection to the area in which I live and therefore a reason to ensure that any impact on the area is positive.

Having read the objections raised I would like to respond to them on an individual basis.

Representation from Cllr Matt Mellias

Impact of fast foods and takeaways.

Certain fast foods and takeaways can have a negative impact on the health of people, however the items I propose to sell are all completely hand made, with daily purchased produce and do not contain the fat content found in burgers, kebabs etc...

For myself to produce authentic wood fired Neapolitan Pizzas it is essential to use fresh healthy produce.

For those that do not like pizza, I intend to offer Pasta Pots. Again this does not contain unhealthy levels of fat.

What can be more healthy than fresh vegetables, meats and cheeses? If you are looking at encouraging healthy eating then I would suggest that my proposal is a good option.

Van operating less than a mile away.

This is correct...however this street trader provides all of the items that

have negative impact on the health of people. Burgers, kebabs etc... I do not intend to compete with this vendor only to offer a healthier alternative.

Target audience

My target audience is NOT drunken revellers. If it were I would look at operating times matching those of the local public houses. I would be happy not to have drunken revellers approach me. I am interested as to why it was deemed that I "clearly" targeted these? The statement made is purely an opinion and not based on fact. I have intentionally capped my closing time so as to reduce the number of drunken revellers approaching me.

Youths

I cannot say whether or not youths will congregate under the bridge. I don't see why they would. I can say that I will do everything in my power to dissuade this happening.

I can also say that from personal experience where I have been training for the past year this has not been the case

Representation 01

The road consists of two single carriageways separated by for the most part a grass divide and each road is approximately 8 metres wide (26+ feet).

The width of the trailer is 2.2 metres (7 feet 2 inches), and the maximum width of a passing HGV lorry is 2.55 metres (8.3 feet). So I have clearly demonstrated that the road is sufficient in size.

The proposed location is approximately 40 metres (131 feet) from the nearest house (on the other side of the road) and approximately 70 metres from the house located on the same side of the road.

I would be very surprised if the smell from the food emanating from the trailer will attract rats to any individuals house based on their location to the trailer. I am NCASS trained and accredited, and part of this training involved vermin control. HACCP (Hazard Analysis Critical Control Points) is a systematic preventative approach to food safety from biological, chemical or physical hazards, of which I intend to comply with, examples of these documents were submitted as part of my application.

It is actually quite difficult to eat Pizza on the move, the vast majority of people will purchase this to take home. However I take full responsibility for any of my packaging should it be discarded inappropriately and will be more than happy to remove this, should the

need arise. I openly have my contact details on the trailer.

Representation 02

I to am a local.

As I am not encouraging people to eat at the trailer (no tables or chairs), and the fact that Pizza is a product normally taken home to consume I do not agree that there will be an increase in rubbish. Should it be found that any of my packaging has been discarded inappropriately I will be more than happy to remove this.

Vehicles being used to come to my trailer are more than likely park on the trailer side of the road. Due to the distance from the trailer to the houses in the vicinity I very much doubt that an increase in noise will be noticed.

I have no intention in increasing or changing my hours at this location. I would suggest that with regards to the cleaning of the road you discuss this with the appropriate department within BCC, however upon leaving the site every evening I will be ensuring that the area is as it was when I arrived.

Representation 03

I agree, this road is very busy which is one of the reasons I chose this location. The road is a single carriageway approximately 26 feet wide therefore allowing vehicles to pass unheeded.

There is a vendor trading in Atlantic Way, however the products I propose are not the same as the ones they sell. All my products are freshly prepared and cooked using quality fresh ingredients. I do not intend to compete with them, I am only offering a healthier alternative to the fast foods available in the area.

Representation 04

I agree the B4504 is a very busy road at times, which was one of the reasons I chose this site. The road is made up of 2 carriageways, separated by a grass area (in the main). The side I wish to locate my trailer on is approximately 8mtrs wide. My trailer is 2.2mtrs wide and the maximum width of a HGV vehicle is 2.55mtrs wide. The trailer can not contribute to increased traffic congestion, the congestion is either there or not, and due to the dimensions stated this will not cause a highway obstruction.

For there to be an unacceptable level of foot traffic therefore meaning people are being forced to cross the B4054, there has to be numbers in the hundreds using this all at the same time. The only time I have seen these levels are when the local Rugby Football Club put on their annual fireworks display. As the display always takes place on a weekend and I am not intending to trade from that site on weekends I do not see this being an issue.

With regards to cyclists using the footpath rather than the road, this is against the law and should be discouraged.

I do not agree that the trailer would encourage young people to congregate. If this is the case then I will do everything in my power to persuade them to move on. I would also add that in my personal experience (I have been trading for a year now in Chew Stoke), that this hasn't been the case.

I am NCASS accredited (Business owner level), and part of this training was to put into place control measures to ensure that the trailer does not encourage vermin (HACCP) Hazard Analysis Critical Control Points. This measure is mostly used by large restaurants, however as I am a local to the area it was important to me to ensure that I uphold the highest standards possible. As part of my application submission I have forwarded to BCC examples of my HACCP plan. I will not be encouraging people to eat at the trailer and as Pizza is quite difficult to eat on the move the likelihood is that this will be taken to their home to consume. I will however accept responsibility for any of my packaging that may have been inappropriately disposed of and if I am told of this I will have it removed at the earliest time possible. The proposed site is actually NOT opposite the police / emergency site. It is just at the beginning of the bridge not the middle where they have an allocated space.

With regards to your view the trailer will be approx 70mtrs from the first house on the same side of the trailer and therefore give you an ample view when backing into your driveway.

Representation 05

Noise

The nearest homes to the vicinity of the trailer are 40mtrs and 70mtrs. When considering this venture I took into account all aspects that may effect both the environment and also the local community. At considerable expense I purchased a run quiet generator at a cost in excess of £900. A cheaper option would be to have purchased one for £200. I do not believe that the noise generated will cause any unnecessary distress and am happy to provide all of the technical specifications for the generator to BCC for consideration.

Litter

Pizza is a difficult product to eat on the move...it is normally purchased and then consumed at home. I however do take full responsibility for any of my packaging that may have been inappropriately discarded and will have any such items removed at the earliest time possible. I will ensure that upon leaving the site I will ensure that this is left exactly how it was found.

Safety

Yes this is a busy road which was one of the considerations as to why I have asked for the trailer to be there. The location of the trailer will in no way cause any additional congestion as the road on that side is approximately 8mtrs wide, the trailer is 2.2mtrs wide and the largest HGV can not exceed 2.55mtrs.

I believe that the trailer will potentially act as a deterrent to people exceeding the speed limit. As I live just off the B4054 if I saw a trailer there I would automatically slow down. I am not sure as to the regular basis that the speed camera is there that you refer too as I have not seen it there for quite some time.

The location of the trailer will not impede the speed camera in anyway, as it will be located just at the start of the bridge and not in the middle where the camera is sometimes.

Representation 06

Pizza is not something that is easy to eat on the move...in my experience the vast majority of people take this home to consume. I will however accept full responsibility for any of my packaging that may have been disposed of inappropriately and have this removed at the earliest convenience. I have in place measures to reduce the risk of such things (Hazard Analysis Critical Control Points) which is normally used in restaurants. As I am a local resident myself I understand the importance of high standards and I have a vested interest in keeping the area in which I live clean and tidy.