

**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 Paved area by the Fountains outside City Hall, College Green Bristol

Applicants: Bayram Demiroglu – Anatolia

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: Paved area by the Fountains outside City Hall, College Green 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 be attached to a licence/consent if granted are at Appendix A
4. A number of previous consents have been granted for this site, which permitted the sale of hot drinks and light snacks throughout the day. No applications for night time hours have been granted for this location previously
5. An application for street trading consent has been received for the above location details of which are provided below. If granted the consent would enable the applicant to trade lawfully at the above location.

6. Photographs of the proposed trading site are attached at Appendix B and a site location plan at Appendix C.
7. On 3 March 2016 Mr Bayram Demiroglu applied to sell the following goods:
 - Falafel, Hummus, Cous Cous, Chicken, Chips, Burgers, Halloumi Cheese, Pitta, Fresh Salad, Cold Fizzy Drinks, Bottled Water
 - During the hours of 2100 – 0500 Monday to SundayPhotographs of Mr Demiroglu's trading unit are attached at Appendix D. Mr Demiroglu has indicated that the trailer would be removed from the site and stored in a private garage outside of the trading hours.

Consultation

8. 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

Comments were received from the police and they are attached at Appendix E.

Members considered an application from Mr Demiroglu at this site, for similar products, and during the day at a hearing on 26 January 2016. The application was refused because the committee determined on that occasion that the location was not suitable for a substantive food offer. The minutes of that hearing are attached at Appendix F.

As such officers assessed that they could depart from the policy and did not undertake a full consultation in this instance. The issues raised in the representations in the previous report and the police's comments raise many issues which officers feel would be appropriate to consider when determining this application.

Officer Considerations

9. Mr Demiroglu would be required to obtain a premises licence to authorise late night refreshment which permits the sale of hot food and drink at any time between the hours of 2300 and 0500 in addition to a street trading consent in order to be able to trade legally after 2300.

10. The location that has been applied for falls within a designated Cumulative Impact Area (CIA) under the council's Licensing Policy, in particular the City Centre CIA. The extract from the policy giving the reasons for this CIA are detailed below:

“The Avon and Somerset Police produced evidence to support their request that the central area of Bristol be designated a CIA. It remains at saturation point and the Police produced evidence for extending the area to which the special policy should apply so as to include Stokes Croft and Cabot Circus. In particular the area, which has a significant concentration of alcohol led late night venues, witnesses a high number of assaults and other related crime and disorder including public nuisance and risk to public safety. The policy will apply to further applications for the grant of new licenses or significant variations of existing licenses in respect of premises that primarily sell alcohol for consumption on the premises, other late night uses, restaurants and take away outlets. The main focus of the policy is likely to be on alcohol led establishments and premises that keep customers in the area at times when the promotion of the licensing objectives is most challenging (for example late night refreshment from “fast food” outlets).”

11. Officers would advise that there are a number of outlets nearby which hold premises licences under the Licensing Act 2003. This is supported by the comments from the police.

12. Whilst the committee cannot directly consider the CIA in determining this application, some of the reasons for the implementation of the CIA may be relevant to their deliberations including the potential for an increase in crime and disorder, and public nuisance.

13. If the sub-committee were minded to grant this application officers would recommend that a condition is placed on the consent requiring that the unit be removed at the end of trading time. In addition a further condition prohibiting use of the consent when any events are taking place on college green in order to maintain the use of the site for any other purposes outside of the trading hours when their presence could conflict with the event on offer e.g. BBC Food Festival

14. Officers would also recommend that conditions are added to ensure the consent holders are responsible for any damage caused by their units being placed or removed from the site and that consideration be given to the size of the unit as access is currently restricted by bollards to this location. If bollards were required to be removed for access by any of the units the applicant would be responsible for the cost of these works.

15. 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.

a. 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.

b. 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.

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

RECOMMENDED The committee is asked to refuse the application.

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985
Background papers

Appendices

Appendix A Standard Conditions attached to street trading

	consents
Appendix B	Site photos
Appendix C	Site location plan
Appendix D	Photos of the trading unit
Appendix E	Comments from Avon and Somerset Police
Appendix F	Minutes of PSP meeting 26 January 2016

Contact Officer: Ms A Holman, Senior Licensing Officer

Ext: Telephone 01173 574 900

**GENERAL CONDITIONS THAT WILL NORMALLY BE ATTACHED
TO STREET TRADING CONSENTS**

1. The consent holder shall only trade 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.

Appendix B





College Green Site Map

Document created on Tuesday 12th January 2016 at 12:55



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Avon & Somerset Constabulary
Representations Licensing Act 2003.

Street Trading Consent - Anatolia
Address – Corner of Council House Building Park Street, Bristol
Type of Application – Street Trading Consent
Police Representative – Louise Mowbray
Contact details – Operational Planning, Bridewell Police Station, Bridewell St, Bristol
Tel : 0117 9529733 louise.mowbray@avonandsomerset.police.uk
This is an application for a street catering unit trading from 2100-0500hrs, Monday to Sundays.
<p>The site applied for is located within the Bristol City Centre Cumulative Impact Area (CIA), the city centre CIA was designated due to the saturation of licensable premises, late night refreshment premises/venues and the correlated number of issues associated with such a concentration.</p> <p>The application is within the city centre CIA, the CIA policy was set up to rebut all applications for the grant of new licenses, late night establishments, restaurants and take away outlets.</p> <p>Whilst the catering unit is not applying for the sale of alcohol it is requesting a late night street trading consent, the location requested is in an area of high concentration of alcohol led establishments, which as a result of which attracts persons to the area.</p> <p>There are currently in excess of 550 licences issued to premises within the City centre CIA which is an area of less than 1 square mile, recently Park Street itself was listed as a violent Crime Hot Spot in the city for the proliferation of Crime, Disorder and Anti-Social Behaviour on the street alone, if granted this addition will only add to the issues of anti-social behaviour which presently exist at this location.</p> <p>This together with the lateness of the trading hours applied for give concerns people will congregate in an area rather than dispersing, late night refreshment venues are significant flash points for disorder as often intoxicated members of the public come into contact with each other.</p> <p>In addition, late night refreshment venues tend to encourage persons to stay in an area rather than disperse which again is a factor in the levels of crime and disorder.</p> <p>By introducing a street trading van to the location will only undermine the works done by the police to combat crime at the location.</p>
Outcome requested
That this application be rejected.
<p>Louise Mowbray Licensing Officer 14/03/17</p>



Agenda Item No:

Bristol City Council
Minutes of the Public Safety and Protection Committee
(Sub-Committee B)
Tuesday, 26 January 2016 at 10am

Members Present:-

Councillors Tincknell, Langley, Davies, Hance

Officers in Attendance:-

Kate Burnham-Davies - Solicitor, Carl Knights – Senior Licensing Policy Officer, Louise deCordova – Democratic Services, Emma Lake – Licensing Team Leader, Abi Holman – Senior Licensing Policy Officer, Tracey Kerr - Licensing Officer (observing)

1. Apologies for absence and substitutions

Apologies: Councillors Stafford-Townsend, Morris

Substitutions: Councillor Hance substituted for Councillor Stafford-Townsend

2. Declarations of Interest

There were no declarations of interest.

3. Public Forum

It was noted that no Public Forum items had been received..

4. Minutes – PSP Sub-Committee B – Tuesday 17th November 2015

Resolved – that the minutes of the above meeting be agreed and signed by the Chair.

5. Consideration of the Suspension of Committee Procedure Rules (CMR 10 and CMR 11) relating to the Moving of Motions and Rules and Debate for the Duration of the Meeting.

Resolved - that having regard to the quasi-judicial nature of the business on the Agenda, those Committee Procedure Rules relating to the moving of motions and the rules of debate (CMR 10 and CMR 11) be suspended for the duration of the meeting.

democratic.services@bristol.gov.uk
<http://www.bristol.gov.uk>

6. Report to consider four applications for the Grant of Street Trading Consent(s) at paved area by the fountains outside City Hall, College Green Bristol. Applicants: Chris Tayler – Daily Espresso, Bridget Pilkington – Vee Double Moo, Bayram Demiroglu – Anatolia and Honore Sanjivi – Tokyoyaki.

It was noted that there were four applicants for the same location and three were in attendance.

The Chair made introductions and outlined the procedure.

The Licensing Officer summarised the report. The Sub-Committee noted that the objections were summarised in Appendices H, I and J.

The applicants made the following comments:

Christina and Honore Sanjivi – Tokyoyaki.

- They had purchased the business from a previous leaseholder of the pitch applied for who had sold hot Chinese food.
- They wished to sell hot Japanese food. First 'light takeaway food' in Bristol. Plain food with no strong flavours, smells or smoke.
- They were happy to compromise on the requested operating hours but asked that consideration was given for the request to operate at lunchtime, rather than a 2pm start.
- Understood litter concerns within the objections that had been received and wanted to assure the Committee that they took pride in their business and would ensure litter bins were provided, litter was collected and recyclable materials were used and provision made for recycling.
- The Applicant had worked in micro biology setting and had a commitment to food hygiene
- Intended to purchase a smaller trailer in order to meet the concerns regarding the pavement and curb and the dimensions required by the Council and of the site

Chris Tayler – Daily Espresso

- Provision of local coffee, tea, breakfast pastries and snacks in a small quirky, fully branded trailer which was smart and presentable.
- Currently uses a generator but would want to plug into electricity on site.
- Happy to compromise on times and share the site but ask the Committee to consider the wish to trade during lunchtimes
- Would provide litter bins and recycling facilities

Bridget Pilkington – Vee Double Moo

- Had previously operated on Brandon Hill and had 5yrs experience trading and a loyal following
- The generator was not diesel operated and would elect to use the electricity mains connection available
- Sold enhanced ice-cream styled as a gourmet Mr Whippy
- Was passionate about street food and aware of increasing demand for street food nationally

- Awareness of concerns over litter and as a former environmental consultant, was confident will be as green as possible with little litter generated as the customers will purchase a fully edible product in a cone.
- Operation Saturdays and Sundays in a vintage van with an installed ice-cream machine.

Bayram Demiroglu – Anatolia

The Sub-Committee noted the written application but were unable to explore the application further as the applicant was not in attendance.

The Sub-Committee retired to make its decision in the presence of KBD and LdeC.

The Sub-committee resolved:

That the application for a Street Trading Consent for Bayram Demiroglu – Anatolia be rejected for the following reasons:

- Applicant was not present and the contents of the application could not be explored.
- Hot food was not considered to be appropriate in that location
- The unit was considered to be aesthetically inappropriate
- There were concerns regarding operation of two units on the same site for the same operating hours

That the application for a Street Trading Consent for Anatolia and Honore Sanjivi – Tokyoyaki be rejected for the following reasons:

- Hot food was not considered to be appropriate and therefore not viable in that location
- There were concerns regarding operation of two units on the same site for the same operating hours
- Concerns regarding safety for the public during handover

That the application for a Street Trading Consent for Chris Tayler – Daily Espresso be approved subject to conditions:

- As requested by the Licensing Authority in the report
- The mobile unit is not to run on a generator
- That the operator effectively disposes of waste from the premises
- That the operator does not operate during Council run events without seeking approval from the event organiser

That the application for a Street Trading Consent for Bridget Pilkington – Vee Double Moo be approved subject to conditions:

- As requested by the Licensing Authority in the report
- The mobile unit is not to run on a generator
- That the operator effectively disposes of waste from the premises
- That the operator does not operate during Council run events without seeking approval from the event organiser

- 7a. Report to consider an application for the Grant of Street Trading Consent at parking area in the cul-de-sac outside Harford House, Frogmore Street, Bristol. Applicant: Juliet White. Proposed trading name: Blu-Fire Smoke 'n' Grill.