

**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 Pavement in front of Freshford House, Redcliffe Way, Bristol

Applicants: Bayram Demiroglu – Redcliff Kiosk

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: Pavement in front of Freshford House, Redcliffe Way, 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. 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.
5. Photographs of the proposed trading site are attached at Appendix B and a site location plan at Appendix C.
6. On 29 September 2016 Mr Bayram Demiroglu applied to sell the

following goods:

Coffee, tea, hot chocolate, fresh juices, cakes, muffins, panini, pastries, spring rolls, fizzy drinks, bottled water
During the hours of 0700 – 1700 Monday to Sunday

Photographs of Mr Demiroglu's trading unit are attached at Appendix D. Mr Demiroglu has indicated that the unit would remain onsite outside of the trading hours. Mr Demiroglu may need to seek planning permission if the unit is left in situ.

Consultation

7. 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

Members considered an application from Mr Demiroglu at this site, for similar products, similar times, from a trailer, at a hearing on 20 September 2016. The application was refused because the committee determined on that occasion that the location was not suitable for a unit based on commercial need and the potential for public nuisance. The original report including the representations made and the minutes of that hearing are attached at Appendix E.

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

Officer Considerations

8. 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.

9. 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 | Report and 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.

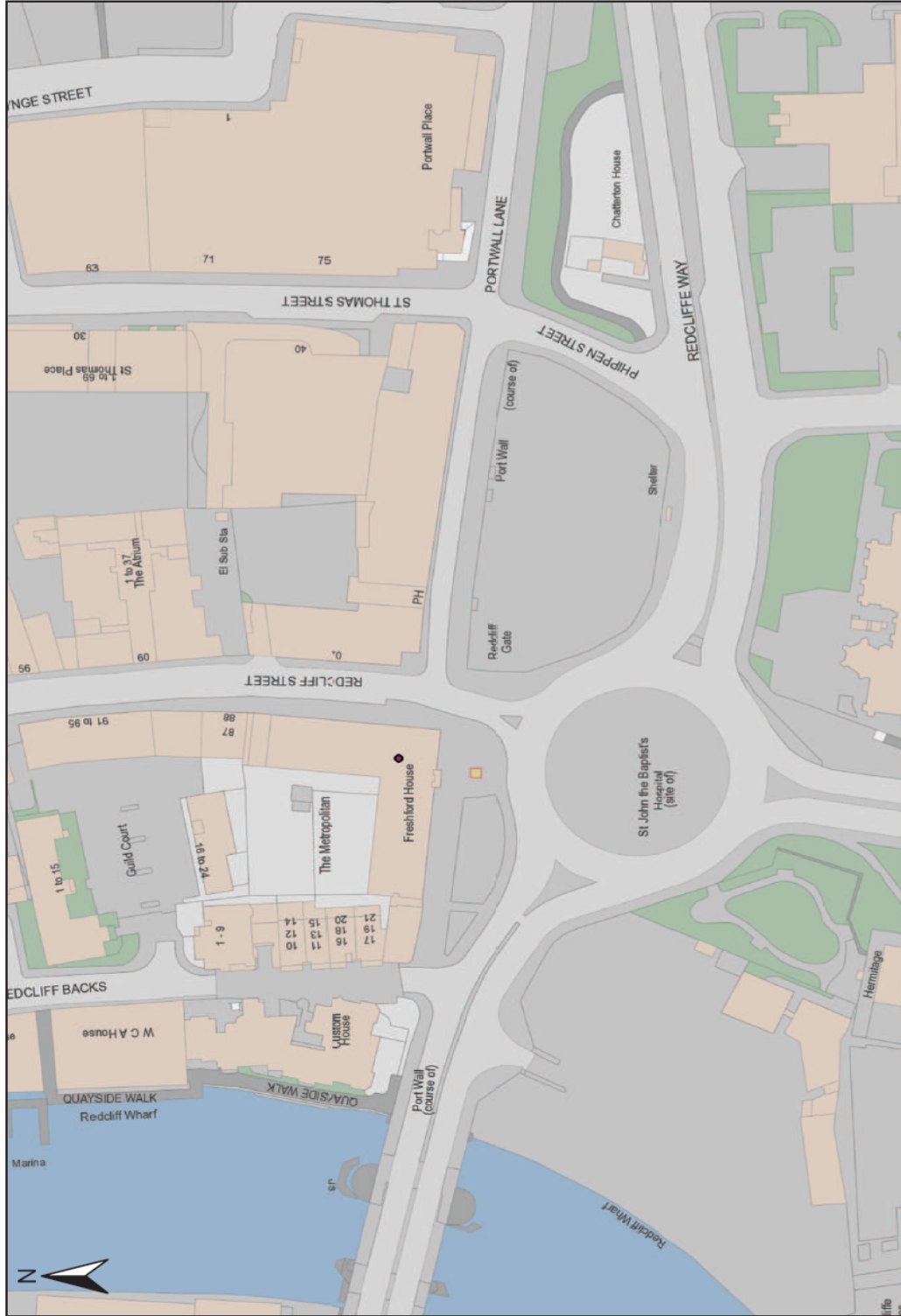
Appendix B





Kitchen of Anatolia

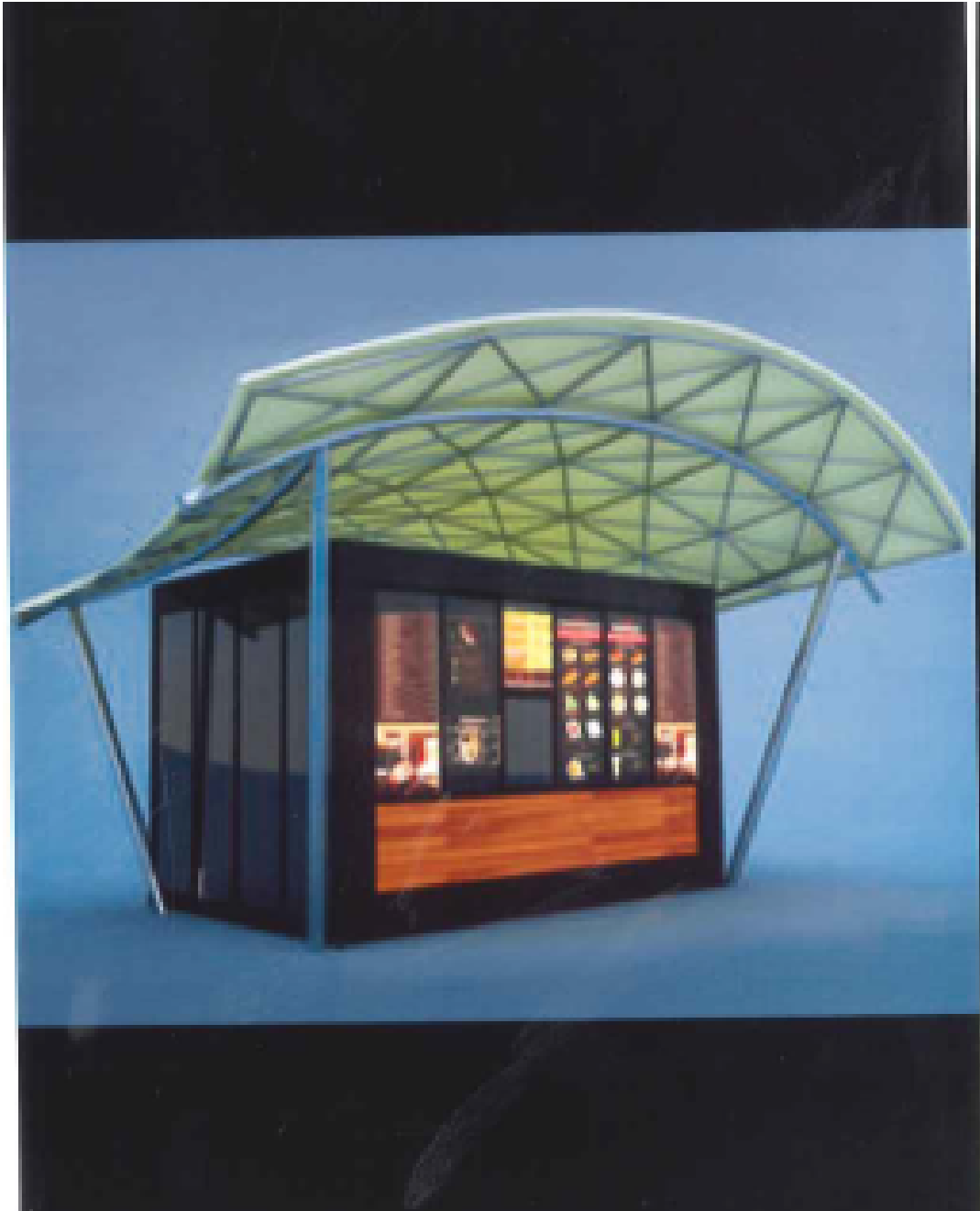
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AGENDA ITEM NO

BRISTOL CITY COUNCIL
PUBLIC SAFETY AND PROTECTION COMMITTEE

20 September 2016

Application for the Grant of Street Trading Consent at Pavement Area Outside Of Car Park, Redcliff Street, Bristol

Applicant: Bayram Demiroglu

Proposed trading name: Kitchen of Anatolia - Redcliffe

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: Land Fronting Freshford House, Redcliffe Way, Bristol

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. General conditions which would be attached to a licence/consent if granted are at Appendix A
3. On 13 January 2016 Bayram Demiroglu 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:
Falafel, Houmus, Cous Cous, Chicken, Fresh Salad, Pitta Bread, Kidney Beans, Bottled Water and Fizzy Drinks

During the hours of:

Monday to Friday 07:00 to 17:00

Saturday 08:00 to 17:00

Sunday 09:00 to 15:00

4. Photographs of the unit and proposed trading site are attached at Appendix B and a site location plan at Appendix C.
5. The land from which Bayram Demiroglu wishes to trade is public highway

Consultation

6. 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
Local Councillors
Avon and Somerset Police

Standard consultation was undertaken in respect of this application.

As the site also incorporates a number of multiuse pathways, and is nearby to the upcoming Temple Gate development we also consulted with the Council's Development Planning Team.

7. Consultation Responses

The following responses have been received.

Appendix D - Residents and businesses
Appendix E - Other agencies

8. Officer Considerations

If members were minded to grant the application the following documents are still outstanding which are:

1. A basic criminal records disclosure in the name of the applicant

Should the basic disclosure reveal any relevant unspent convictions the applicant may need to provide further information, or the application be referred back to committee prior to a consent being issued.

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. 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.

9. Bayram Demiroglu 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

Contact Officer: Mrs Sarah Flower, Senior Licensing Officer, Neighbourhoods

Ext: Telephone 0117 3574900

Appendix A
Appendix B
Appendix C
Appendix D
Appendix E

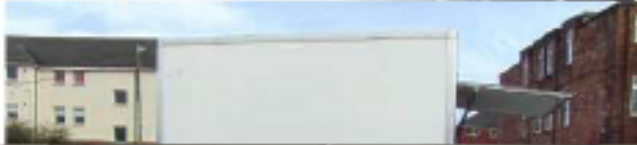
General Conditions
Unit and site photographs
Site Location Plan
Interested party responses
Other agency responses

APPENDIX B





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APPENDIX C

Kitchen of Anatolia

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APPENDIX D

Rep 1

I have no objections to the proposed development ... except that it suggests that the litter bin removed (after damage) a couple of years ago at the top of Welsh Back should be replaced

Rep 2

I have been made aware of the enclosed street trading consent and I strongly oppose you granting such licence.

I am the landlord of Freshford House, and as you will see I am spending a large amount of capital refurbishing the premises into an improved condition and granting such a licence would be detrimental to the let ability of the property.

Furthermore:

- Its right outside our front door which will create congestion and unwanted pedestrian traffic
- It won't appeal to corporate occupiers and probably not to a majority of occupiers
- Its not a high class provider
- In what is already a busy pedestrian/cyclist route, it will add yet more congestion

I look forward to receiving confirmation that you have received this email and that you will not be granting such a licence right outside my office entrance.

Rep 3

I would like to object to the application for street trader fronting Freshford House. I'm always worried everytime I walk along that pavement. It's a very crowded area especially during rush hour with cyclists weaving in and out of pedestrians. To put a fast food outlet on the pavement would be absolute madness. There is one

further along if anyone is desperate for some houmus or kidney beans.

Rep 4

Thank you for your letter. My main concern is litter and congestion on the pavement. I am not clear if it would be by the statue or the end of the street. More generally, there seems to be so many eating outlets, please can we address this by increasing the frequency of street cleaning and bin emptying.

Rep 5

We've been sent the above application in relation to a hot food van being placed outside the above property. We are both agents for Freshford House which is currently under refurbishment and tenants of the building opposite on Redcliffe Street. We have many concerns and object to this application because:

- Its right outside the front door of Freshford which will create congestion and unwanted pedestrian traffic to a building which AEW are investing many millions of pounds into with the intention of generating jobs, investment and an improved economy in Bristol City Centre
- It won't appeal to corporate occupiers and probably not to a majority of occupiers thus potentially making this building a 'white elephant'.
- Its not a high class provider and will cheapen the locality. We already have a much smarter offering, Pickle, a few hundred yards away on Portwall Lane in a far more suitable location
- In what is already a busy pedestrian/cyclist route on the Brunel Mile, it will add yet more congestion. Already this crossing causes additional vehicular congestion by more people using the zebra crossing and this will only add more delays. This is also a route used constantly by ambulances and fires engines which must be a safety concern
- It would also negatively impact car drivers vision of bikes/pedestrians approaching the zebra crossing as they come around the roundabout into Redcliffe Street

Rep 6

I wish to object to the application on various grounds. First, there is already sufficient provision in the area of snack foods of the type the applicant is proposing to supply. There is an existing street trading trailer some 200 metres away on Portwall Lane, towards Temple Meads station. The Co-Op has a branch on Redcliffe Street which sells snack foods and there are similar shops on Redcliffe Hill.

Second, this stall will generate considerable amounts of rubbish. There is a considerable throughput of pedestrians walking between the city centre and Temple Meads station, across Queen Square, over Redcliffe Bridge and along Portwall Lane/ Redcliffe Way. Very many are likely, let us face it, to discard litter as they walk, making an unsightly mess and encouraging vermin. Local residents like me already have to contend with pedestrians dumping their litter on Redcliffe Backs and Redcliffe Street and this new stall would exacerbate that problem.

Thirdly, this is a congested place, especially during the morning and evening rush hours, with large numbers of people walking and cycling past the proposed site of the stall. The risk of people stopping at the stall being struck by passing cyclists or causing them to collide with other pedestrians should not be underestimated.

There might be a good location for this stall but, in the view of my wife and me, this is not it.

Rep 7

I will be implacably opposed to this application as a resident and would see this as an infringement upon my quality of life. Fast food odours are not pleasant and nor is an increase in litter, food debris, compressor noise and vermin.

Appendix E

Rep 8 - City Design

I don't think there is room under the tree there without damaging it. Am happy in principle with the settled area so long as Phil's concerns can be addressed - eg impact on tree and access at peak times on this busy route pedestrian/cycle route

Rep 9 - Highways

I'm guessing the trader is looking at the stone sett surfaced area shown on the Street View image attached, so I've roughly ringed around two possible areas where the trailer might be able to fit. It will depend on the height of the trailer in respect of the site nearest the tree. I'm not sure if the trailer is to remain on site but if it is transported daily there could be access problems (I'm guessing the trader intends to use the dropped kerbs from the Redcliff St pedestrian crossing). With 08.00 to 17.00 trading hours Mon-Sat, main road traffic would be delayed at the worst times.

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



20th September 2016 at 10.00 am

DISCLAIMER

The attached Minutes are DRAFT. Whilst every effort has been made to ensure the accuracy of the information and statements and decisions recorded in them, their status will remain that of a draft until such time as they are confirmed as a correct record at the subsequent meeting

Members Present

Councillors: Donald Alexander, Richard Eddy (for Cllr Windows) and Paula O'Rourke

Officers in Attendance: Ashley Clark (Regulatory Lawyer), Sarah Flower (Senior Licensing Officer), Norman Cornthwaite (Democratic Services Officer)

1. Election of Chair

In the absence of Councillor Khan, Councillor Alexander was elected Chair for the duration of the Meeting.

2. Apologies for Absence and Substitutions

Apologies were received from Councillor Windows and his substitute was Councillor Eddy.

3. Declarations of Interest

There were none.

4. Public Forum

Nothing was received.

5. Consideration of the Suspension of Committee Procedure Rules CMR10 and CMR11 Relating to the Moving of Motions and Rules of 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 (CMR10 and 11) be suspended for the duration of the meeting).

6. Application for the Grant of Street Trading Consent at Pavement Area Outside Of Car Park, Redcliff Street, Bristol

Applicant: Bayram Demiroglu

Proposed trading name: Kitchen of Anatolia – Redcliffe

The Chair outlined the procedure that would be followed and introductions were made.

The applicant was present.

The Senior Licensing Officer summarised the report and drew attention to the key issues set out in detail. She recommended that the application be refused.

The applicant then summarised his case and answered questions highlighting the following:

- Business is very good at his current unit and his customers are very happy; most work in the area
- He offers food that is not offered at other local outlets
- He wants to open a second outlet as he does not want people to have to wait and cause congestion in the area
- He is aware of the Condition requiring him to remove the current trailer from site each evening but he is unable to comply with this Condition due to the difficulties of moving the unit
- He currently only operates during the lunchtime period, but if he is granted a Consent for a second unit he will trade for longer hours

The Senior Licensing Officer summarised the details of the current consent for Members.

The Senior Licensing Officer and the applicant left the room while the Committee made its decision.

The Committee noted the Policy and decided that the Consent should be refused on the grounds of lack of commercial need and congestion on the footway in the vicinity of the unit caused by its presence causing a public nuisance.

The Senior Licensing Officer and the applicant returned to the room to hear the decision.

Resolved – that the Consent be refused on the grounds of lack of commercial need and congestion on the footway causing a public nuisance.

7. Exclusion of Press and Public

Resolved – that under Section 11A (4) of the Local Government Act 1972, the public be excluded for the following item 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.

8. Application for the Grant of a Private Hire Driver Licence Seeking Departure from Council Policy – TL

The Chair outlined the procedure that would be followed and introductions were made.