

**BRISTOL CITY COUNCIL**  
**PUBLIC SAFETY AND PROTECTION COMMITTEE**  
**16 May 2017**

**Report to consider an application for the Grant of Street Trading Consent(s) at The Front OfThe Old Council House, Corn Street, Bristol, BS1 1JG**

**Applicant: Castell Ferguson**

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: The Front Of The Old Council House, Corn Street, Bristol, BS1 1JG

**Background**

2. With effect from 1 September 2015 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 7 October 2016 Mr Castell Ferguson applied to sell the following goods:  
Burgers, hot dogs, chips, spicy jerk burgers, veggie burgers

During the hours of 1900 – 0400 Monday to Sunday

## **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 in total, six from relevant persons, and one from Bristol City Council Markets Team which are all attached at Appendix E.

## **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. The applicant has previously traded at a site further up this street for a number of years. As a result of the re-designation of a number of streets in Bristol as consent streets the applicant was required to obtain a street trading consent in order to lawfully trade at this site.
10. If this application were granted the applicant would be required to obtain a premises licence issued under the Licensing Act 2003 in order to lawfully sell hot food and drinks between the hours of 2300 and 0500 each day.
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 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 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:

<b>Appendix A</b>	General Conditions attached to a street trading consent
<b>Appendix B</b>	Site photos
<b>Appendix C</b>	Site location plan
<b>Appendix D</b>	Photos of the trading unit
<b>Appendix E</b>	Representations
<b>Appendix F</b>	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.

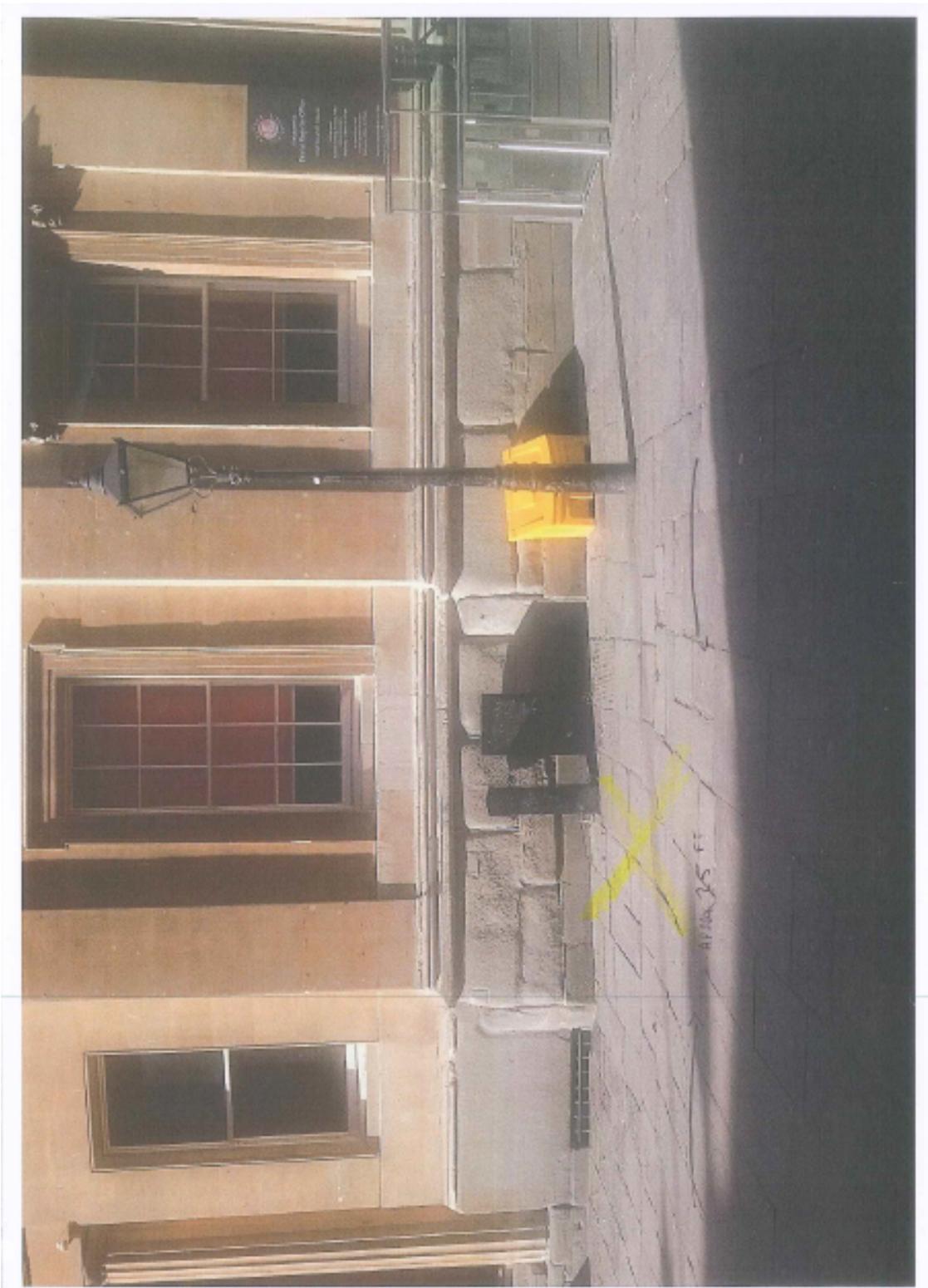
16. The subletting of any consent is prohibited.

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





The Trailer - Corn Street

Document created on Friday 7th October 2016 at 16:46



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APPENDIX D



### 1 BCC Markets

As discussed, the Markets Service strongly object to this application. It would have negative impacts on our ability to hold regular evening market events and activities which promote St Nicholas Market and the Old City as a visitor destination.

### Representation 2

I am objecting on the following grounds:

1. Noise. The other vans in the street are further down or away from the top end of Corn Street. They attract large crowds and the area is populated by buskers who I have complained about on numerous occasions for their playing after 11pm. This will only increase.

2. Rubbish. There is little enough consideration for residents in BS1 as there are no regular pick ups for rubbish and no recycling provisions. The rubbish will increase as a result of yet another burger van.

3. It will attract larger crowds to the vicinity and as a result there will be greater levels of public urination, vomit and mess.

There are already 3 vans in Corn Street. We do not need another one. Bristol City Council needs to acknowledge the residents in the area and have greater respect for them.

### Representation 3

I am already licensed to sell the same products and goods from Corn Street, between the Nails. The location of the new application is only 20 Metres away and this would have a detrimental effect on my business. The area doesn't have enough footfall to support two of the same business therefore I wouldn't want another trading unit at this location.

### Representation 4

xxxxxxx owns xxxx Corn Street which is opposite the proposed location of the trailer. The upper two floors are residential and the Trustees of are concerned about the proposed hours 19.00 until 4.00 as activity and noise during the night would potentially be a nuisance to the tenants.

### Representation 5

I am commenting as a resident of xxxxxxxx just off of Corn Street where the above listed application is looking to be obtained for.

From what I understand, a "burger van" for lack of better words wants to set up on Corn Street and begin trading seven days a week.

If this is true then I'd have to say that I disagree with the application as there are already a significant volume of burger vans in the area and we do not need another! At present, for a number of days a week there is a van immediately opposite where the applicant wants to place itself and there is also one on the weekends on the corner of Wine Street outside of the barbers. There is no need for another around this area at all and I'd like to suggest an alternative location be found.

### Representation 6

With reference to the above application for a street trading licence outside the Old Council House, Corn Street. I am responding as the owner of xxxxxxxx which is situated xxxxxxxx the site in question.

I would like to express my strong opposition to this application. Although the requested trading hours fall outside of my current hours of opening having such a wagon opposite my premises will have a significant impact on any future plans to on in the evenings. A number of further points must be raised to which I hope the licensing team will consider.

1) We have an ongoing issue with the cleanliness of Corn Street particularly on Saturday and Sunday mornings. This is not helped by the waste created by the current food wagons on Corn Street and Wine Street. I believe that the granting of this licence would contribute to further waste strewn around the area by revellers. Often when I open on a Sunday morning (we open at 10am) chip boxes and rubbish can be seen all over Corn Street and the junction with Broad Street. I STRONGLY feel that another street food wagon within 50 meters of 2 others will have a significant impact on waste. The council street team do not appear on Sundays sometimes until 10am by which time the impact of the waste has been made.

2) Without seeing any plans, I am unsure what the wagon will look like, but the current ones on Corn Street and Wine Street are more 'chip van' than 'street food trader'. Should this application be granted, it is vital that the applicant's wagon is in keeping with the area from an aesthetic point of view. The Council, 'Visit Bristol', 'Destination Bristol' and local traders work very hard (at some cost!) to promote the Old City as an appealing destination during both day and nighttime, and the question should be raised as to whether another 'chip van' is in keeping with the Old City atmosphere. Please do consider this when considering the application, to ensure we are maintaining the Old City's Aesthetic.

3) My final point is a little more assumptive but one worth raising. It does concern me that a food wagon outside my premises may be a potential threat to the security of my premises. As we all know Corn Street at night attract many revellers and there is a constant stream of alcohol fuelled disturbances. Encouraging revellers to stop outside my premises concerns me as most of the premises is glass fronted and increases the risk of breakages, in my opinion. The premises listed building with ledges that people lean on/sit on at night when we are closed, but with a food wagon outside it, in my opinion, would encourage more to do so and thus increase the risk of damage to my property.

4) Finally what is not clear from the application is what time the trailer will be allowed onto Corn Street? Is trading allowed to start at 19.00 or is that the first time the wagon is allowed on the site?

#### Representation 7

In reference to the application for ref above to be proposed outside the old council house. As a resident very close I strongly object to this,

- The odour from the trailer
- There is currently a food premises already located outside Christ church which is less than 1 min walk
- There are already too many unhealthy food takeaway shops around the vicinity which cause unnecessary waste and mess attracting vermin
- This spoils the local heritage

**INTRODUCTION AND BACKGROUND**

My name is Mr Castell Ferguson a British Citizen who was born and raised in Bristol. I have been a street trader for several years and have developed this business as a means of sustaining a living for me and my family. I am a married man with children. I have vast experience in running a food trailer and have complied with all the rules and regulations that apply to the selling of food. I am a very good young role model for people in my community who have come to know me through my business.

**PUBLIC NEEDS AND NUISANCE**

Throughout the years I have conducted my business with public needs at the top of my agenda. I have maintained a high focus on:

1. Health and Safety
2. Pricing
3. Variety of affordable food
4. Risk assessment and personal safety
5. Up to date equipment
6. Adequately trained staff

I will comply with all the required rules and regulations. All the years that I have traded on Wine Street which is now a prohibited street I have never had any complaints or concerns raised about doing anything that affects members of the public. I will not trade from a place that will affect the free movement of members of the public and I do not allow people to hang around once they have been served so as to block walkways etc. I do not play loud music.

**HEALTH AND SAFETY**

I will provide:

Litter Bins, Re-cycles trays, Daily cleaning of my trailer, Appropriate signs, Re-cycled oil, use of gloves for preparing food, provision of anti-bacterial fluids, paper towels, plastic cups, Fire Extinguisher. Cutlery and other equipment will be kept safely and not be accessible to members of the public. Food will be kept in refrigerators kept at the required temperature and will be prepared to best standards. Health and Safety signs will be displayed at all times and all staff will undergo any required training.

**CONCLUSION**

I have identified a place to trade in Corn Street (details and pictures submitted). I kindly ask that this spot is considered as it is not far from my current trading place and therefore would enable me to keep my customers that I have gained over the many years that I have traded. If I am relocated too far from where I previously

In reply to your letter of 16 Mar 17, I wish to provide the following information to support my application.

### **Representation 1**

I would consider my trading time from 10pm - 4am to accommodate the regular evening market which I know does not operate on a daily basis. I have traded in the City Centre for a number of years and not intending to start a new business, therefore my continued business would not have a negative impact on the area and my presence would enable a continuation of that area as popular visitor destination. I believe this is a very unreasonable and unfair comment.

### **Representation 2**

1. I have traded in this area for over 15 years and I am only being moved 10-15 meters the other side to an authorized trading area. My present location has now become a prohibited street. Had that not been the case I would have been moved 10-15 metres the other direction. The issue of noise should not just be blamed on my trading as we are all responsible to maintain safety and order in that area. This is therefore a general issue.
- b. Rubbish will increase if there were additional Burger vans in that area. I am not additional, I have been in that location already as previously stated just being moved to a new location.
- c. As far as I know there are only two burger vans on corn street. The representation suggests that I am a new trader and does not realize that I am the third trailer he has mentioned. Therefore he raises no objection to me being in that area and does not realize that it is me.

### **Representation 3**

I have traded in that area longer than all of the traders there. I have been trading before any other burger vans and they did not have any detrimental effect on me. Me moving a few metres down will not have any detrimental affect on those who sell food as there is enough business for all of us. In fact this will help to reduce crowd and noise which will be spread out and not just concentrated around two businesses.

### **Representation 4**

I have indicated that I will be prepared to trade from 10pm - 4am if this will make a difference. Again I should not be blamed for any additional noise etc. and would no more be a nuisance to tenants than any other trader. Public Bars tend to attract more noise and there are loads of these further down on that street which are also residential areas.

### **Representation 5**

I have already pointed out that I am not a new trader as being implied here.

### **Representation 6**

- a. Im already trading and therefore there is an element of selfishness in this opinion.
- b. For 15 years I have complied with all the regulations required of me just like any other traders on that street. There is absolutely no evidence to suggest that me moving to this very near location will undermine any legal requirements. It is therefor wrong to make these assumptions that me being permitted to trade from this new location will contravene any laws

Whilst I understand his concern regarding rubbish, this is the responsibility of all traders and providing everyone take responsibility for doing there own cleaning and maintenance.

- c. The council has responsibility to ensure traders adhere to the law and maintenance of the requirements of the city.
- d. As the representation says this is an assumption. Again I understand his concerns but this should not be used as a way of stopping me from trading.

### **Representation 7**

There are several prejudicial comments made here. If there is concern about odour from the trailer then this person may need to consider moving from this area. There are lots of businesses including food businesses which operate at the time when these businesses are trading and therefore any odour problem has not adversely affect his business. To even suggest that my business would do so is somewhat offensive. The issue of healthy food is a big debate and many of us in this trade have been doing all we can to provide the best food we can. I have made tremendous change in relation to the products I buy and sell. I am very sure that spoiling the local heritage could be deemed as prejudicial especially for me as a Black business man. I am not saying he is aware of this but these are very unhealthy comments.

### **Summary**

I have been trading in Wine Street for 15 years and only became aware that it was no longer permitted for me to trade in that street. I have therefore stopped trading and awaiting a decision to enable me to take care of my family. Its not like I am moving from a different area to come to this area. I am only applying to move approx 15 metres from where I was just to be on a legal trading location. I therefore cannot see how this will make any significant difference to what did before. There is no evidence to suggest that I have broken any rules and have complied with all the requirements of my trading condition. the representations submitted are at world judgemental, opinionated and unfair. In every business there is competition and therefore I should not be denied to right to survive like any other citizens of the city. I will continue to be an exemplary trader and kindly ask that a decision is made as a matter of priority. Its been over six months since I have stopped trading and need my business to get back to supporting my family etc.