

**BRISTOL CITY COUNCIL
PUBLIC SAFETY AND PROTECTION COMMITTEE
13 June 2017**

Report to consider complaints in relation to Street Trading Consent(s) at Corn Street, Bristol

Consent Holder(s): Kamuren Beklevic and Resit Ayaksiz

Report of the Service Manager – Regulatory Services

Purpose of Report

1. To determine whether to take action in relation to complaints received regarding a Street Trading Consent at the following location: **Corn Street, Bristol**

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. A copy of the current consent is attached at Appendix A.
4. A site location plan is attached at Appendix B.
5. The current consent allows the holders to sell the following goods:
Burgers, Kebabs, Chips, salads, Hot Dogs, Hot and Cold Non Alcoholic Drinks.

During the hours of 1945 – 0500 Monday to Sunday

Photos of the trading unit are attached Appendix C
6. This unit has been trading at the site for a number of years, and

was previously managed by the Markets Team. As a result of the re-designation of a number of streets in Bristol as consent streets the consent holders were required to obtain a street trading consent in order to lawfully trade at this site.

Officer Considerations

7. Complaints have been received regarding this unit, copies of which are attached at Appendix D.
8. As a result of the complaints received officers contacted a number of key departments to establish whether any other issues had arisen since the grant of the consent.
9. Responses were received from the Markets Team, Historic Environment Officer, Planning and the Police and comments had already been received from the City Design Team. Their responses are attached at Appendix E.
10. In his response the Historic Environment Officer suggests that the unit may require planning permission because it falls within a conservation area. The Planning Officer confirms in her response that the unit does not need planning permission since it is removed daily.
11. The consent holders hold 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.
12. 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. It also permits a number of other actions to be taken
 - a. 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.
 - b. The council may vary the conditions of a street trading consent at any time.
 - c. A street trading consent may be granted for any period not exceeding 12 months but may be revoked at any time.
13. 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 whether to take any action in respect of the complaints received in respect of this consent.

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	Current Consent
Appendix B	Site location plan
Appendix C	Photos of the trading unit
Appendix D	Complaints
Appendix E	Responses from Police, Planning, Historic Site Officer, City Design and Markets



STREET TRADING CONSENT

Bristol City Council
Licensing Team (Temple Street), PO Box 3176, Bristol BS3 9FS
Tel: 0117 93574900 Email: licensing@bristol.gov.uk

Consent Holder : Kamuren Beklevic and Resit Ayaksiz

Address of consent holder:

3 All Saints Lane
Bristol
BS1 1JH

Reference Number: 17/01346/STCINN

Authorised to trade from:

Market Kebabs And Burgers
Corn Street
Bristol

Authorised Unit / Vehicle: 6' x 12' Trailer

Authorised to sell the following goods:

Burgers, Kebabs, Chips, salads, Hot Dogs, Hot and Cold Non Alcoholic Drinks.

Monday to Sunday
19:45 - 05:00

Consent commences on **26 April 2017** and expires on **30 June 2017**

Date issued: 2 June 2017

This Licence is issued subject to the Provisions of the Local Government (Miscellaneous Provisions) Act 1982

Jonathan Martin
Licensing & Trading Standards Manager
Bristol City Council

STREET TRADING CONSENT GENERAL CONDITIONS

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 or to members of the public.
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 hygiene 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

UNIQUE CONDITIONS: 17/01346/STCINN

The consent holder shall ensure that litter is monitored and cleared from the area around their unit and the wider surrounding area throughout the trading period and at the end of trading.

The consent holder shall ensure that the access bollard onto the pedestrianized area is locked in place during trading and also again when they leave site at the end of trading.

The consent holder shall ensure that the access point to the electricity supply is closed at all times during trading and at the end of trading.

The area is used regularly for late night events. On those occasions access to the pedestrianized area by the consent holder may not be permitted until after 22:30hrs. Further information and affected dates can be obtained from the Markets Office.

The Markets Office reserve the right to recharge for the electricity used.

Market Kebabs and Burgers, Com Street

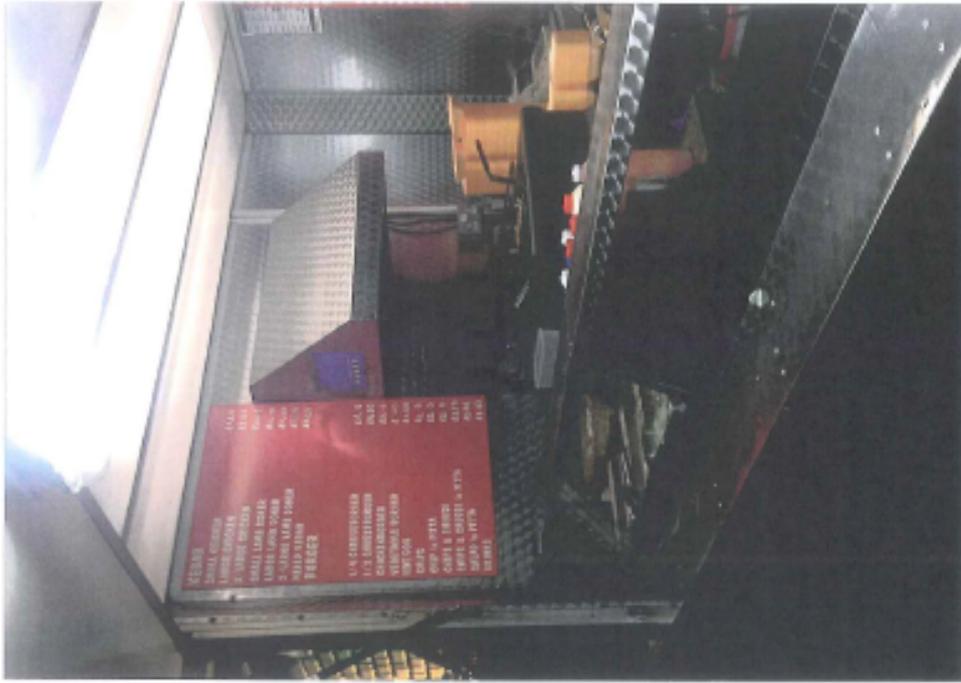
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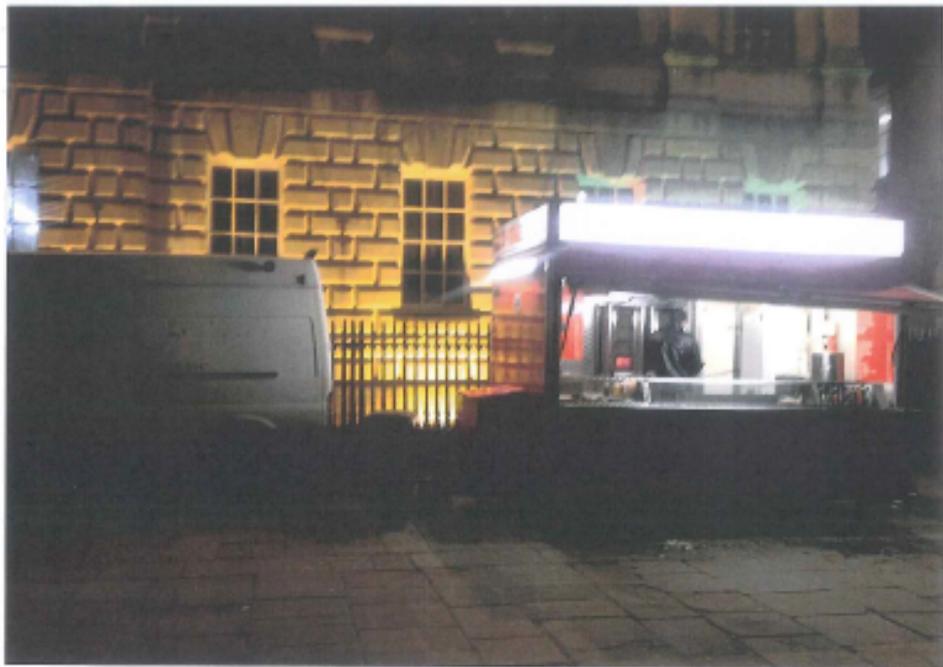


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Complaint 1

I'm the General Manager of the recently opening Bristol Harbour Hotel, I wanted to bring to your attention an ongoing matter of significant concern to our Directors, my team and I.

Since launching the Hotel in October 2016 we have received a significant number of complaints from our hotel residents about the presence of a Fast food van that is located on the corner of Corn Street directly opposite our entrance that is present 5 nights per week Tuesday to Saturday.

Late night refreshments are served from the Van between the hours of 7pm and 3am and this service is the source of considerable noise and disturbance to our hotel residents.

Our Company has invested significantly in the acquisition and refurbishment of two of the city's most prestigious period buildings, we should be and wish to be a significant contributor to the local economy in terms of employment and further on spend to local businesses from our Hotel residents.

We are now of the opinion that the presence of the Fast food van so late at night directly opposite the hotel entrance represents a serious threat to the Operations of the hotel.

Whilst we understand that the vendor associated with the Fast food van has a right to conduct his business we politely suggest now that the location of his Van's position should be reviewed (perhaps there is an alternative position which will potentially not have a detrimental impact on the hotel).

Complaint 2 – Destination Bristol

Can I express my concern regarding the kebab van which is located in the evenings outside the fabulous St Nicks Market and directly opposite the main entrance to the great new Harbour Hotel.

The area is not suitable for a kebab van, there are many and better different locations for it to be located.

We are delighted that the Harbour Hotel has opened in such an historic location with a massive financial investment from the investors, which should be nurtured and protected.

Having a fast food trader within metres of the main door is not conducive to a new and developing up market establishment.

Please do consider a relocation of the trader into a more suitable place

Complaint 3 – Historic England

We've had a call from a member of the public who is concerned regarding a kebab van that's situated next to nails on an evening and into the night. He was concerned that the oversight that the market traders/market manager has during the day is absent at night.

He feels this detracts from their setting and encourages drunk people etc. to use the nails as tables, and encourages antisocial behaviour in their vicinity. He's also concerns that they're plugging into an electrical supply point at the market- especially in the rain- and that might be a fire hazard. Plus there is the issue with manoeuvring a kebab trailer close to the nails.....

I tried to explain that it was difficult to control what people got up to in the night despite the Grade I status of the Nails.

Anyway, I said I would check with you- and see what the licencing situation was- presumably a licence is required? If there is a license, might it be better if the van was moved to an alternative location? Does the van operator have permission to use the electricity point- is it safe- etc.?

Markets Team

In response to question: The complaint suggests that the trader is using the electricity from the market. Is this correct and is it authorised by Markets? Do you know whether he is paying a fee for it?

Confirm the trader does use our power supply with Markets permission. We are due to process the installation of a sub-meter to calculate specific power used to enable a recharge.

I have always been somewhat concerned about potential damage to the Nails statues, which are of great historic value, as the trailer is manoeuvred in place each evening. I have copied in our Conservation Enforcement Office who may wish to comment on this issue. That said, they have not been damaged to date but be worth seeing what David feels? Of note is that if it is deemed that damage occurs to the historic flag stone paving then need to consider that the Markets Service facilitate other market activity in this location that also leads to vehicles crossing it.

Historic Site Officer

We have not received any specific complaint about damage to the Listed building or its setting, but would object if the trader took a permanent stall on the main frontage of the Grade I Listed building. This vehicle needs to be removed overnight, and during weekend hours when markets are not operational.

As far as I am aware there needs to be a Planning application made whether temporary or permanent in this location in the Conservation Area and in the setting of a Grade I Listed building. The vulnerability of the bronze nails, railings, and the stone slabs could be best addressed through the formal planning processes.

Planning Team

Further to our conversation, I can confirm that planning permission is not required as this burger van comes and goes every day.

Planning permission would only be required if the van was to be permanently stationed.

On this basis, we cannot assess the impact on the listed building, flag stones etc.

Police

I can find nothing reported against either individual.

Corn Street in the last 12 months –

263 reported crimes

Total cost of police officer time involved £10,040

5th most prolific street on the specified beat area but does not feature in the top 20 for demand.

Corn Street is not classed as a Red

Whilst late night takeaway venues do historically retain persons in the area rather than disperse I have nothing to report that this mobile unit causes any more or less issues at the location.