

**BRISTOL CITY COUNCIL  
PUBLIC SAFETY AND PROTECTION COMMITTEE  
22 August 2017**

**Report to consider an application for the Grant of Street Trading Consent(s) at Billboard, Corner Of Junction With The Nursery, North Street, Bedminster, Bristol**

**Applicant:**      **Richard Rodriguez**

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: Billboard, Corner Of Junction With The Nursery, North Street, Bedminster, 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 26 January 2017 Mr Rodriguez applied to sell the following goods:  
Tea, Coffee, Hot Chocolate, Cold Drinks, Water, Steak Sandwiches, Chicken Wraps, Sausages, Eggs, Bacon, Omelettes, Breakfast Rolls, Chips, Burgers, Nuggets, Salad, Pork/Chicken Sheesh, Kebabs

During the hours of 0700 – 1900 Monday to Friday

Photos of the trading unit are attached Appendix D

## **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.

Sixteen representations were received from relevant persons.

Two representations were received from responsible authorities, specifically City Design and Highways.

All the representations are attached at Appendix E

## **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.
  - 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.
9. 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

**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.
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

## Appendix B

22 The Nursery - Google Maps

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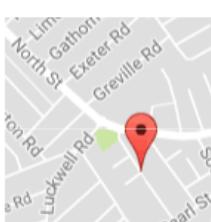
Google Maps 22 The Nursery



Image capture: May 2014 © 2017 Google United Kingdom

Bristol, England

Street View - May 2014



<https://www.google.co.uk/maps/@51.4401639,-2.6101027,3a,75y,266.75h,78.09t/dat...> 27/07/2017

## Brunch Munch

Document created on Tuesday 2nd May 2017 at 09:36

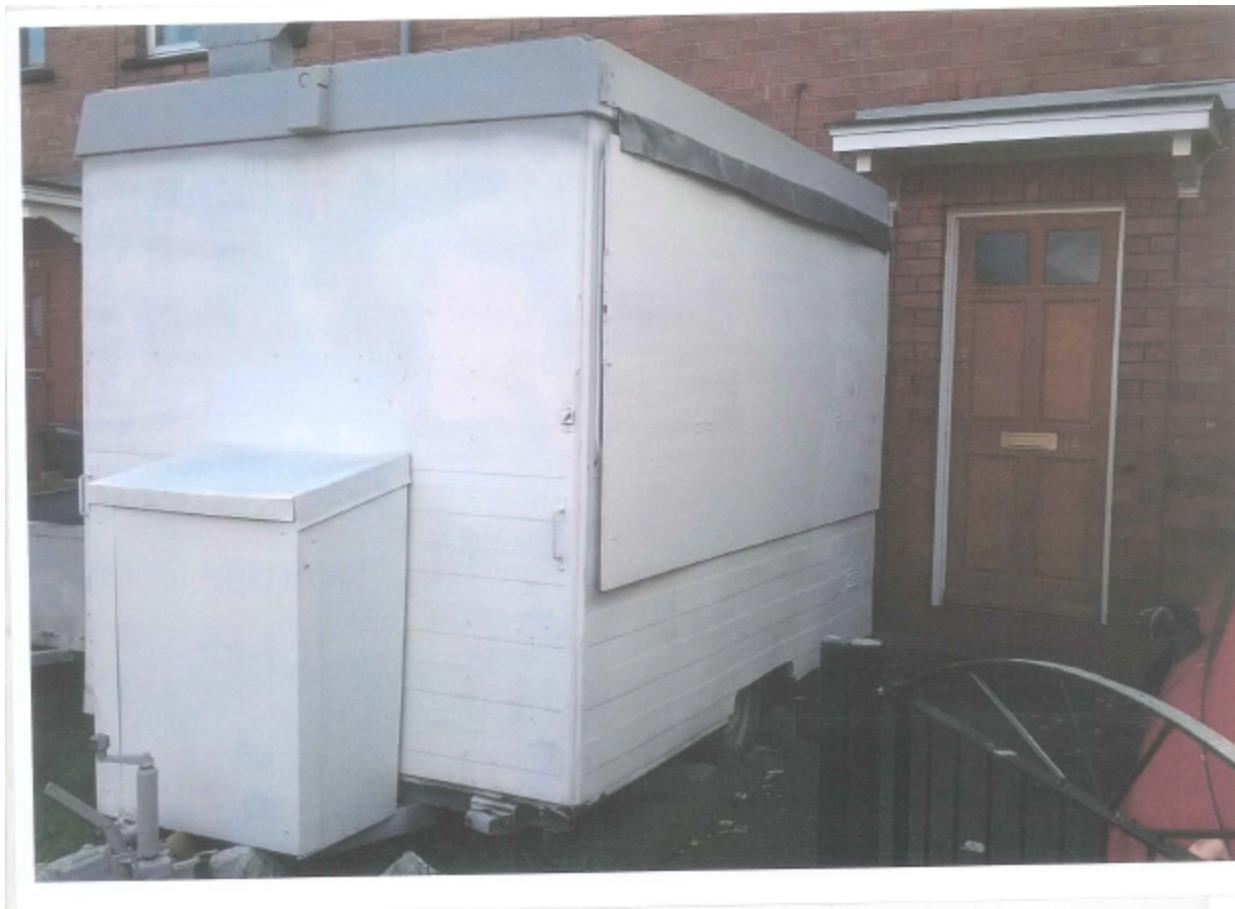


## Appendix C

2012 aerial imagery © Bemap Pictometry, 1946 aerial imagery © English Heritage. OS data © Crown Copyright 2015  
100023406. Unauthorised reproduction infringes Crown Copyright and may lead to civil proceedings. Bristol City Council.

1:1,250

## Appendix D





## **Appendix E**

### **Rep 1 - BCC Highways**

I don't believe the location is suitable for the purposes of street trading. The area is heavily protected by street furniture making the only access to it via an uncontrolled pedestrian crossing. Regular trafficking at this point will lead to damage of the highway surface causing trip hazards at a critical point of the footway. Placing a street trading trailer at the rear of the footway will impede the natural flow of pedestrians and placing it nearer the front of the footway will impair visibility at the junction. Placing anything in front of the advertising hoarding will lead to complaints from the advertising agency and its clients.

### **Rep 2**

I wish to object to the application for street trading consent on the corner of North Street and The Nursery Bedminster on the grounds listed below. I would like to draw to your attention that the boundary of my property is xxxxxxxx the proposed location and I am a resident not a business.

Public space in the area around North Street is minimal, North Street Green and the area between Luckwell Road and The Nursery is small and is also the only place of refuge without walking for over five minutes. I would expect the council to protect the public's collective right to this public space and to decline this application. The specific area is also used for table tennis matches which would be encroached upon.

If establishments selling the items on the 'items to be sold' list were absent in the vicinity then a street trading license could benefit the area but they do not. In fact there are more than enough businesses selling these items very near by with an increasing number in the last few years. To be very precise there is not an item on the 'items to be sold' list that I couldn't already walk for 500 metres to purchase from an existing establishment.

A trailer will detract from the attractiveness of North Street Green and the daily process of delivering the van to its location will put pedestrians at risk as the dropped kerb they would need to reverse on is on the corner. The length of the caravan and associated towing vehicle will be so long it will create a health and safety risk to all road users especially pedestrians because in order to begin that process the towing vehicle would have to be filling North Street and reversing onto a busy pavement. I cannot imagine how a reasonable risk assessment for manoeuvring a vehicle into the selected location could be written.

### **Rep 3**

I would like to inform you I strongly object to this proposal. I live xxxxxxxx There is ample take away and food establishments as it is. I also am concerned that one of the few places where people can sit and relax (north st green ) in relative peace and quiet would be disrupted. There is also the litter and concerns about this turning from a 0700-1700 time scale to a lot later fix. AS I have a family and parking is also at a premium I would like it noted of my disapproval.

### **Rep 4**

As a business we object to the above street trading application, for several reasons, There are a number of new food establishments that have opened on North street in the last 18 months and many existing and am unsure the necessity for another offering the same products that can already be obtained within a 200m

radius. We should be supporting the local businesses already trading. Also the rubbish generated from a takeaway van as people walk off down the street or sit on the green with their food, the bins in this area are already inadequate and are often full even though they are emptied at least once a day. This is also close to a residential area and in front of one of the few green spaces left along north street. As well as being directly in front of a well used table tennis table which would ultimately be blocked in by a 12ft van at this location whilst also blocking a cluttered pavement area.

Therefore we are against this application.

#### Rep 5

We are local residents and we would like to state our objections strongly for the following reasons:

- o There are already plenty of food outlets in the area between the roundabout and The Tobacco Factory, this includes, 12 bar/restaurants, 6 cafes and 4 fast food/takeaway outlets. In our opinion this is becoming a saturation of the area.
- o The environmental effect of cooking from a van without sufficient ventilation or filtration. This would affect the quality of our life due to the smell of the cooking.
- o Excess littering around the area due to people throwing their packaging on the floor.
- o Hazard to the traffic around the area of the roundabout due to people loitering around the van or stopping in their cars.
- o There would be an increase in the noise level close to our home.

We strongly believe there are a insufficient number of food outlets in this area already and no van is required as this would decrease the desirability of the area.

#### Rep 6

Please note that I strongly object to the above. Our garden xxxxxxxx the green.

Our justification for rejection is as follows:

- o Noise generation from the van itself and also the customers
- o The smell generated from the preparation of the food - which won't be enjoyable at all when in our garden or we have our windows / doors open in the house
- o We frequently have people who enter our gardens with the attempt to steal items from our sheds (mostly successful), I don't want to attract more attention to our rear access

#### Rep 7

I'm writing to send my comments regarding this application for a trailer selling fast food etc on the corner of North Street Green Bedminster.

Our view is that this is not a good idea for the local area for several reasons:

There are already a huge amount of cafes and eating places on North Street, covering a big price range (including fast food: chips, pizza, take away teas and coffees). We do not need any more.

North Street green is a rare bit of green space in the very built up area of Bedminster. We do not want this to be spoilt.

A fast food trailer would lead to lots of litter in the area and also a smell of frying in that space (that would also drift over to our houses) and noise

North Street green is a peaceful small green area that local people have planted and looked after and been involved with improving - this development would go against that

In the last few years a table tennis table has been on the Green and this has really added to its feeling of relaxation and play for people. A fast food trailer would spoil this.

Finally, I am concerned about the way that this application has been put in and communicated:

There has never been a concession stand in that place (apart from festivals) so why is this being looked at now?

The information that has been sent out does not allow enough time for people to properly respond: 10 days from when I received it. If people are away or want to talk to others, this does not give much time.

All developments should in theory tie in with the local community plan developed by the Neighbourhood Partnership. Greater Bedminster NP is very active and considers planning applications in the light of strategic and area-wide concerns. Have they been properly consulted?

With respect for the applicant and their business, we however strongly hope that this application will be turned down and a small, green community space used for relaxation will not be spoiled by a noisy, smelly, litter-creating, fast food van in an area already saturated with food and drink outlets.

#### Rep 8

Today I received notification of an application for street trading consent - for a trailer selling tea, coffee, hot chocolate, cold drinks, steak sandwiches, eggs, bacon, omelettes, breakfast rolls, chips, burgers, nuggets, salad and shish kabobs.

The above description seems to be a standard food cart selling unhealthy fast-food that might be at a sporting event (or B&Q parking, construction site, etc...). There is no further detail on the vendor or any specialist provision/enhancement it might provide to benefit or enhance the neighbourhood or its proposed site. However, I would be open to reviewing further details on the proposal.

With the wide range of high quality affordable restaurants and cafes on North Street, I question the appropriateness or need for this provision and as a resident of xxxxxxxx, I do not support this application.

#### Rep 9

I am writing to object to the siting of a food trailer (Brunch Munch) at the junction of The Nursery and North Street. North Street already has far too many food outlets and really isn't in need of a trailer selling more food and drink. You can barely walk a few yards along North Street without encountering a food and drink outlet. This little part of North Street is about the only stretch of pavement where there isn't a food or retail outlet of some kind and it would be more beneficial to the community to keep this area (with its adjacent tiny green space) free of businesses trying to sell you something.

In addition, as a close neighbour, I would anticipate cooking smells invading the surrounding gardens, which would be extremely unpleasant.

#### Rep 10

Hi we are writing to you to appeal against the application of a food and drink trailer on the corner of North St/north St Green.

We run own a hairdressing business xxxxxxxx. As a hairdressers and as a business our clients come to us for peace and quiet relaxation and generally to come away feeling pampered. As you can imagine being a small salon we need to have the door/window open sometimes as it can get very hot in the building! The last thing our clients want is the smell of greasy burgers, kebabs and chips cooking the smell in the salon can get over powered and we can end up smelling like a café rather than a hair salon.

We had terrible problems last year when upfeast was cooking on the green we not only had smell pollution, but noise pollution too and rubbish everywhere. We are up for supporting business's in the area, but this application really doesn't fit with ours! Why do we need a portable café, when there are so many in North st to start?

#### Rep 11

We are writing with our comments relating to an application for street trading consent Ref. No. 17/00639/STCON. We are residents of xxxxxxxx and the boundary to our property xxxxxxxx the proposed location on the corner of North Street and the Nursery. We object to the proposal for a trailer serving food and drinks on the following grounds:

- o It would cause an obstruction on the pavement affecting general ease of movement in that area. During opening hours the obstruction would be created by the trailer itself and by customers using the facility. Out of opening hours (evenings and weekends) the sizeable trailer would continue to create an obstruction in an area which is an increasingly busy thoroughfare at all times of the day/week.
- o The trailer's very close proximity to the table tennis table, which is positioned by the substation, would discourage people from engaging in this fun and sociable activity.
- o There are several other establishments within the immediate vicinity serving the same items; an additional outlet is not needed.
- o There is the potential for additional problems with litter.
- o We don't believe the council should be supporting additional outlets that sell food that may contribute to poor health, and obesity problems. NB the location of the trailer is on the route for many young people walking home from Ashton Park School.
- o There would be a detrimental impact on the value of North Street Green as a public green space, both visually, and as a place that can offer a brief respite from the commercialism and busyness of North Street.

#### Rep 12 - Cllr Bolton

I have to say I share the objections raised in this email. Could my objection be included please.

- o Content of objection received
- o I object to the application for street trading at his location, corner of The Nursery and North Street Green.
- o This location is directly in front of the only public green space on north st. It is a small but valued area of green space regularly used by the public and subject to improvements by voluntary groups over the last decade and more. This includes the installation of public seating, table tennis table, art sculpture and planted areas. This public amenity area would be damaged by the locating of a burger van directly in front.
- o In addition to the adverse effect on the valuable local amenity I also object for the following:
- o Cumulative effects of another takeaway. This location is adjacent to Enid's Chinese and fish& chip takeaway. It is opposite the Bagel cafe and takeaway. It is adjacent to the Clove restaurant which is to the rear of North St Green. Within

50metres and in view of this site there are already a large number of restaurants and take aways, including the Hen and Chicken, Zazus, Pizza Factory, Tin Can Coffee, The Lounge, and a number of other cafes, chip shops, pizza and other takeaways further along to the Tobacco Factory.

- o I will be affected in my house by adverse effects of cooking smells. Litter and anti social behaviour are already an issue at times in this area, a burger van will not improve this.

#### Rep 13

As a resident, mother and Ofsted registered childminder, I am writing to object to the application to site a Brunch Munch trailer on the corner of North St and The Nursery.

It will be selling fried food from 7am-5pm. Monday-Friday. I believe this will a significant deterioration in the quality of the street and its immediate neighbourhood. North Street is already supplied by an abundance of restaurants, cafes, takeaways and pubs. There is absolutely no necessity for a temporary catering facility on this site.

North Street Park, immediately adjacent is currently a small green space for people to relax away from commercial activity. The new van will create litter, no matter how hard the trader tries to prevent it, and the constant smell of cooking will be unavoidable. It will also add to congestion on the pavement, which will be a significant obstruction for me and many other mothers/carers with buggies and small children. It also obstructs the pavement for disabled people including wheelchair users. The obstruction will not simply be the trailer itself but the potential queues and customers consuming their food nearby.

#### Rep 14

I wish to object to the license application for street trading consent for the Brunch Munch fast food outlet on North Street, Southville. The unit is totally out of keeping with the area and will be in direct competition with several independently owned and run businesses already trading on North Street, which the community would like to thrive and flourish. There is already a lot of choice for food and drink in the area during the trading hours proposed and the unit will not add any extra services or amenities not already available.

Added to this, the proposed location of the unit is directly in front of the (free, public) table tennis table next to the electricity sub-station which is well-used and a valuable recreational resource which will be overshadowed (or replaced?) by the unit.

The area doesn't need more fast food during the day, it will be a visual eye sore and will damage and overshadow a valuable community green space.

#### Rep 15 - Cllr Clarke

Please could my objection be included.

- o Content of objection received
- o I object to the application for street trading at his location, corner of The Nursery and North Street Green.
- o This location is directly in front of the only public green space on north st. It is a small but valued area of green space regularly used by the public and subject to improvements by voluntary groups over the last decade and more. This includes the installation of public seating, table tennis table, art sculpture and planted areas. This public amenity area would be damaged by the locating of a burger van directly in front.

- o In addition to the adverse effect on the valuable local amenity I also object for the following:
- o Cumulative effects of another takeaway. This location is adjacent to Enid's Chinese and fish& chip takeaway. It is opposite the Bagel cafe and takeaway. It is adjacent to the Clove restaurant which is to the rear of North St Green. Within 50metres and in view of this site there are already a large number of restaurants and take aways, including the Hen and Chicken, Zazus, Pizza Factory, Tin Can Coffee, The Lounge, and a number of other cafes, chip shops, pizza and other takeaways further along to the Tobacco Factory.
- o I will be affected in my house by adverse effects of cooking smells. Litter and anti social behaviour are already an issue at times in this area, a burger van will not improve this.

#### Rep 16 - BCC City Design

A trailer in this location would impede pedestrian routes and reduce visibility into and thus the attractiveness/safety of the adjacent open space, as well as potentially visibility for vehicles at the junction.

#### Rep 17

In answer to your letter dated 2/5/2017 for (street trading) we were opposed to the people before wanting to trade near the green ( North Street). We think there are enough places on North Street where people can purchase food and drink.

#### Rep 18

I as a trader on North Street, am objecting to the grant of a licence to a trader. This trader is selling things which Bagle Boys and I are offering and this new trader would not offer anything different.

My annual taking is a little more than the VAT threshold as I am paying £13000 per year in VAT. If my takings should fall below this threshold I would have no option but to deregister of VAT. This will mean that the Bristol City Council will lose £13000 per year.

The following points are things to consider about how it can affect the local residents.

Greasy Fumes - The fatty fumes created by the trailer could settle on residents clothing and pollute the air in the area. This results in the fumes polluting the air in the houses as well making their rooms smell like grease.

Litter - A trailer like this could also create lots of litter. This can increase the amount of litter all along North Street.

Food - Bits of food can attract unwanted wildlife such as rats and foxes. This can not only scare people but the rats could burrow underneath the North Street Green and create an infestation.

Nuisance of generator - The electric generator used by the trailer could create a nuisance throughout the day. It is an annoyance and could disrupt the environment of the residents.

Benches - The benches surrounding the North Street Green is a place for people to relax and rest. The trailer could attract a tumultuous and unwanted crowd of people that could disturb the peace for others.

The ping pong table - A lot of people enjoy using the ping pong table as a source of gentle exercise. However the proposed position of the trailer is directly next to the ping pong table. This could mean moving the table.

Environment - The North Street Green is the heart of the community and is a place that should be protected. It is a perfect place for both the young and old to gather at festivals.