

**BRISTOL CITY COUNCIL  
PUBLIC SAFETY AND PROTECTION COMMITTEE  
10 October 2017**

**Report to consider an application for the Grant of Street Trading Consent(s) at Outside 384 - 386 Filton Avenue, Bristol**

**Applicant: Rashel Ahmed**

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: Outside 384 - 386 Filton Avenue, 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 24 January 2017 Mr Ahmed applied to sell the following goods:  
Indian Spices, African Groceries, Asian Groceries, Middle Eastern Groceries, Fruit and Vegetables.

During the hours of 0700 – 2200 Monday to Sunday

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.

Five representations were received from relevant persons. Representations were also received from BCC Parking Enforcement, BCC Parking Services, BCC City Design and Avon and Somerset Constabulary. All the representations are 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. 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.

10. 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.

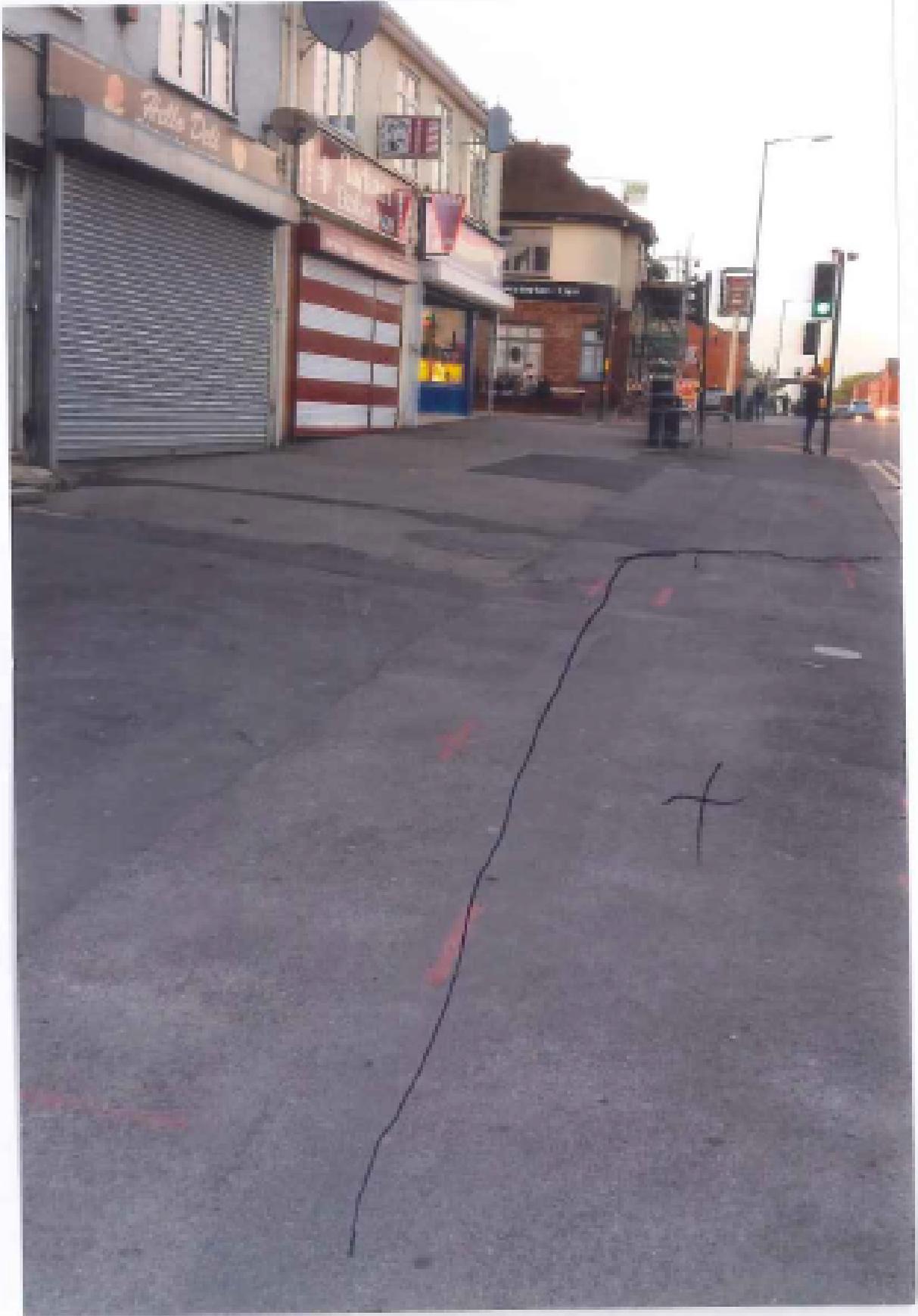
16. The subletting of any consent is prohibited.

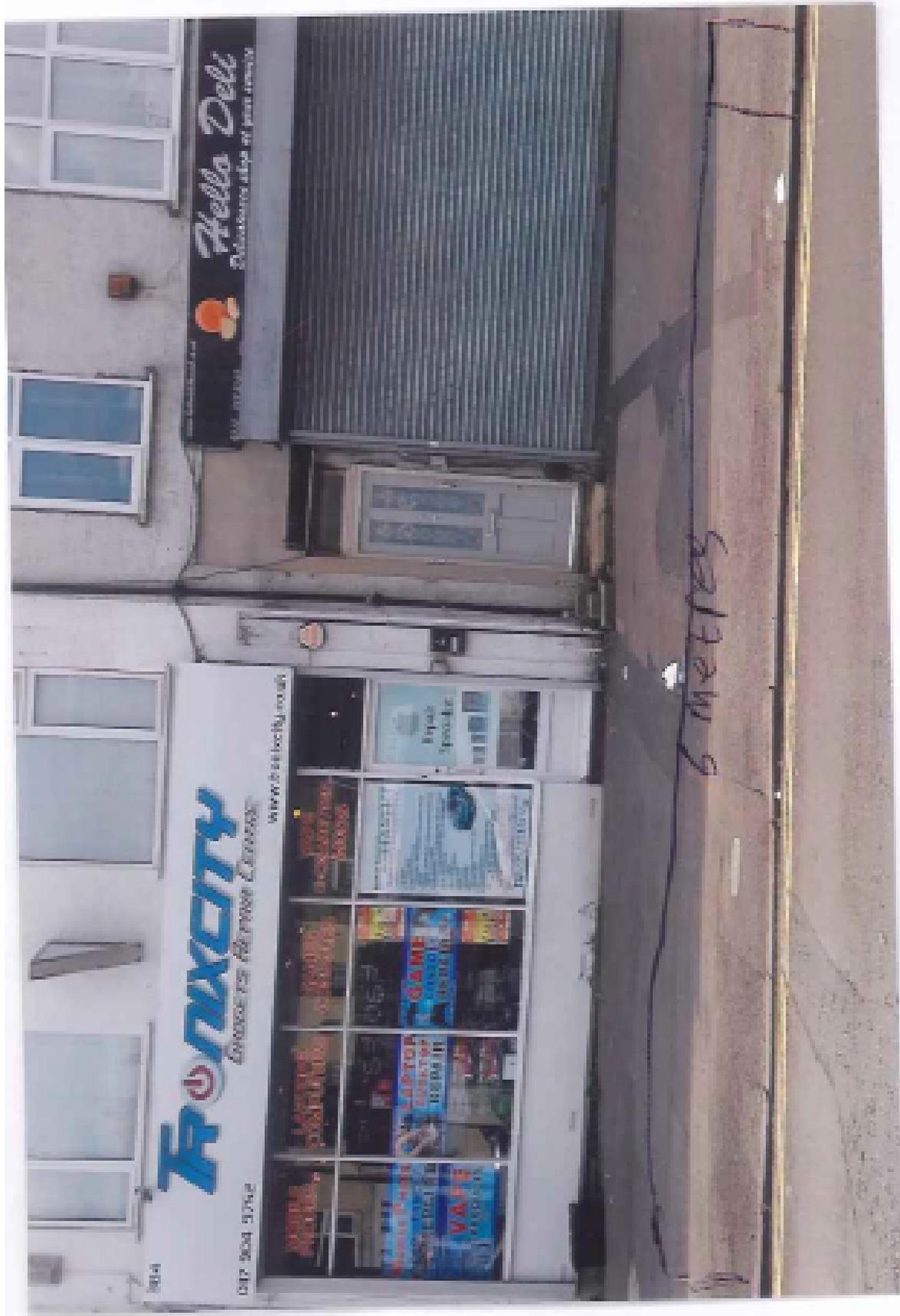
17. The consent holder shall be responsible for the temporary storage of refuse, liquid and other material accumulated or created whilst trading and its subsequent removal from the site. The removal and disposal must be to the satisfaction of the council.

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













### Rep 1

I list below the reasons I am against the approval of this application.

1. There are plenty of shops in the area selling spices and various Asian and African food stuffs, including Tescos, Co-operative, Bargain Booze, etc, and a shop called Slimz Foods, notwithstanding the variety of shops on nearby Gloucester Road and the block of shops a short distance up Filton Avenue.
2. This location is a pavement for the public to walk over to get to various shops and to go about their daily routine with ease. A stall in the centre of the pavement, especially with customers would stop this.
3. Cars and motorbikes already park on this part of the pavement, either by completely driving onto it, or parking half on the road and half on the pavement. This makes it difficult to negotiate the pavement as it is and with a stall added it will mean that pedestrians will either have to cross a busy road to pass this area or walk into the road, which I have already had to do on occasions.
4. There is a high portion of pensioners living in this area. There are retirement flats on Filton Avenue in immediate vicinity of the proposed site and the private and council houses have a high proportion of older people and the noise generated by the stall trading until 22.00 would be upsetting.
5. Filton Avenue already has problems with traffic congestion, especially around the junction with Toronto Road, which is where this proposed site is. Rush hour begins about 3-4 here and the traffic is at standstill and continues into the night. This is added to the fact that cars are parking on the pavement or partly on the pavement. Putting a trading stall into the fray is only going to add to the problems, both in negotiating the pavement and traffic congestion.
6. There is also a problem in this area with flytipping and litter and I have had to ring the council on occasion to come and clear this up. A stall would only attract more litter and flytipping.
7. There are empty shops in Gloucester road and along Filton Avenue.

### Rep 2

Please find attached a request from 8 important stakeholders from Filton Avenue to reject the application above for street trading in front of 384 Filton Avenue Filton Avenue. On behalf of Shahporan Islamic Centre Bristol, I confirm that our organisation did not apply or have any part of applying this application. We came to know that applicant is an

attendee in our Islamic Centre and has submitted this application on his personal behalf.

Shahporan Islamic Centre is a registered charity and do not have any plan to raise its funding on any commercial means like street trading.

Attached document text:

We would like to request you to cancel the application as above for street trading considering various detrimental effects on public safety, public nuisance and on neighbourhood cohesive culture of small businesses around the site suggested in this application. We are happy to make our personal appearances in your office to discuss our concerns on this application.

Signed by 8 Local businesses/residents

Rep 3

Regarding the application stated above, we are residents living in what is classed as a residential area and we object to this application. Firstly why 7 days a week from 7am to 10pm we already have Tesco's noise 7 days a week with deliveries from 5.30am with delivery lorries etc. Also the parking of proposed van - where would this park? We can not park outside our own home now from cars parked 24hrs 7days a week at times. Added to this we are concerned with the extra litter this would create if this application should be granted.

Rep 4

With reference to the above Street Trading application our company xxxxxxxx strongly oppose this Application as it is xxxxxxxx our shop and it would not be good for local businesses.

Rep 5 - BCC Parking Enforcement

Looking at this location the parking of any associated vehicles at this location will be a major hazard, being so close to traffic lights. All the parking restrictions at this location are double yellow lines, which also cover the footway. Parking of vehicles is not permitted. If this stall was placed here it would force all pedestrians on to the private forecourt's of the adjacent shops.

I would propose that this is refused.

Rep 6 - BCC Parking Services

I agree with comments from [Parking Enforcement]. It should also be noted that there appears to be an expectation that the market stall will be located wholly located on that part of the area in front of the shops that is adopted highway. It is likely that the private areas in front of the shop will be parked on as the yellow lines will not be valid there.

Rep 7

About the APPLICATION for street trading outside xxxxxxxx premisses

#384 filton ave. Bristol with application number. 16/05845/STCON .  
We are rejecting it.

#### Rep 8 - BCC City Design

This should be located in front of an empty shop unit not blocking the footway all day everyday forcing the public onto private land to get round it

#### Rep 9 - Police

This is an application for a street catering unit trading from 0700-2200hrs, Monday to Sunday.

No information has been provided why this street trader wants to finish at such a late hour.

The application has stated the vehicle will be situated on the pavement on Filton Avenue.

Having the stall on the pavement will result in persons having to negotiate around the stall, forcing /queuing persons in the middle of the road.

The Police are concerned that a stall in this location closing at 2200hrs will cause public nuisance and potential crime and disorder and will lead to the congregation of persons later in the evening rather the dispersing.

Outcome requested: That this application be rejected.

After I submitted application for Street trading licence on filton avnue. Bristol city council wrote to all the local shop owners opinion. What do they think about street trading on filton avnue.

I spoken with the shop owners. They rise two issues one is it will not look nice. Or people can't park on footpath. My opinion is parking on footpaths against the law. Dangerous for small children walking on footpath same time car reversing .if I start trading no one can park on this side. It will be more safer for local community. There is a community centre on filton avnue name is shaporan community centre about 20 children visit shaporan community centre every day. I stayed in horfied area I experienced this situation.  
Thank you.

I am following my last email I sent to .  
Number two issue risen by local shop owners. It will not look right if I useing tent for my store. All over UK streets trader are using tent for Streets trading. In Clifton saterday market trader use tent. On corn street broadmead street trader use tent. Many other place in Bristol streets trader useing tent. I do not agree that. They have a vaild point to ask council to stop trading licence for me. I like to attend to council meeting about this issue