

**BRISTOL CITY COUNCIL
PUBLIC SAFETY AND PROTECTION COMMITTEE
14 November 2017**

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

Consent Holder(s): Ayan Dogan

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: **Clare 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. The previous consent expired on 02 August 2017. A copy 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:
Kebabs, Wraps, Burgers, Chips, Salads, Chicken, Hot and Cold Drinks.

During the hours of 2000 – 0400 Monday to Sunday

Photos of the trading unit are attached Appendix C

Officer Considerations

6. Concerns have been received regarding this unit from Destination Bristol. In particular the concerns were related to the following areas:
 - The unit being left onsite outside of the trading hours
 - The suitability of the unit and the goods being sold for the site in question.
7. As a result of the concerns raised officers checked the records in relation to this consent and found that the consent had expired and not been renewed on 02 August 2017.
8. Officers visited the unit on 19 October 2017 and found that it was being traded from. Mr C Dogan, the consent holders brother, advised that the fee had previously been paid. Mr C Dogan also confirmed that the unit had been left onsite outside of trading hours.
9. It was confirmed that Mr Dogan made application for renewal of the consent on 3 October 2017.
10. Officers would ask that members consider the following issues:
 - a. The late renewal of the consent.
 - b. The requirement to remove the unit.
 - c. The suitability of the site for this type of unit and offer.

Officers have set out considerations for each of these points below.

11. The late renewal of the consent
 - a. Officers are concerned that the consent holder did not make the application for renewal until two months after the expiry of the previous consent. Upon examining the file it appears that a similar situation has occurred on at least the last two renewals.
 - b. Officers have not visited the site during the gaps between expiry and determination of renewal, however when officers visited on 19 October a new consent had not been issued and the consent holder was trading. A photograph was also received from Destination Bristol on 19 September showing the unit with staff inside and the shutter open. A copy is attached at Appendix D
 - c. The consent holder was advised by email on 25 July 2017 of an error on the previous consent, and reminded that the

expiry was 2 August 2017. He was also advised at this time that an application to renew should be submitted prior to expiry of the current consent.

12. The requirement to remove the unit
 - a. The application form requires the applicant to state where the unit will be stored outside of the trading times. This forms a part of the decision making about whether it is appropriate to grant a consent for a particular location, since some sites would be inappropriate to permit a unit to be there outside of trading times.
 - b. The application form in this case states that the unit will be stored offsite outside of trading hours.
 - c. The site has been subject to a number of works as part of the city centre and metrobus developments. As a result there was a period of time during which the consent holder was not able to remove the unit from site, as the roadworks blocked the bottom of Clare Street. These works were completed by 30 August 2017, and access has now been restored to the site.
 - d. Concerns from Destination Bristol have been raised on a number of occasions since access was restored, that the vehicle was still onsite outside of trading hours.
13. The suitability of the site for this type of unit and offer.
 - a. 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.
 - b. During this period of time the city centre has undergone significant changes in both infrastructure and the nature of surrounding premises. Whilst a cumulative impact area remains in force Corn Street and Clare Street have seen a change in the number of late night venues with a move towards more food and drink led premises, rather than primarily bar or club led premises. The city centre has been significantly redeveloped to allow for the new metrobus and is a public transport hub.
 - c. Destination Bristol have raised concerns that due to the nature of the changes it is no longer appropriate for a unit to be permitted at this site.
14. 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 0400 each day.

15. 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.

16. 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	Previous Consent
Appendix B	Site location plan
Appendix C	Photos of the trading unit
Appendix D	Photo of 19 September 2017



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 : Ayan Dogan

Address of consent holder:

67 Watling Way
Bristol
BS11 9NL

Reference Number: 17/00824/STCINN

Authorised to trade from:

D&B Kebabs And Pizza
Clare Street
Bristol

Authorised Unit / Vehicle: Renault Trafic Van

Authorised to sell the following goods:

Kebabs, Wraps, Burgers, Chips, Salads, Chicken, Hot and Cold Drinks.

Monday to Sunday
20:00 - 04:00

Consent commences on **2 May 2017** and expires on **2 August 2017**

Date issued: 8 May 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: 17/00824/STCINN

None applicable





