

**BRISTOL CITY COUNCIL  
PUBLIC SAFETY AND PROTECTION COMMITTEE  
19 December 2017**

**Report to consider three applications for the Grant of Street Trading Consent(s) at Under M32 on Footpath, Opposite Jalal Jame Mosque and Gantry Under M32, Napier Road**

**Applicants:**                    **Andrew Walcott  
Halima Omar  
Rashel Ahmed**

Report of the Service Manager – Regulatory Services

**Purpose of Report**

To determine three applications for the grant of a Street Trading Consent at the following locations: Under M32 on Footpath Area, Behind Stapleton Road and Opposite Jalal Jame Mosque and Gantry Under M32, Napier Road.

**Background**

1. 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.
2. General conditions which would be attached to a licence/consent if granted are at **Appendix A**
3. A number of applications for street trading consents have been received for the same area details of which are provided below. Whilst the sites for each are slightly different Officers feel that the issues raised within the objections are general enough to relate to the area rather than just a specific site. If granted the consents would enable the applicants to trade lawfully at the above locations.

4. Photographs of the proposed trading sites are attached at Appendix **B** and a site location plan at **Appendix C**.
5. On 20 December 2012 Andrew Walcott applied to sell the following goods:

Fresh Fruit and Vegetables  
During the hours of Friday 09:00 and 16:00

Photographs of the trading unit are attached at **Appendix D**

6. On 10 October 2017 Halima Omar applied to sell the following goods:

Second-hand goods: shoes, clothes, handbags and household goods such as pots and pans.

During the hours of Friday 10:00 and 16:00

There is no trading unit as the applicant proposes to sell her goods on the floor

7. On 29 September 2017 Rashel Ahmed applied to sell the following goods:

Vegetables and clothes

During the hours of: Monday to Sunday 09:00 to 21:00

Photographs of the trading unit are attached as **Appendix E**

## **Consultation**

8. 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 both applications.

## Consultation Responses

9. The following responses have been received.

- (a) Andrew Walcott received representations from Councillor Pickersgill and a local business, these are attached as **Appendix F**.
- (b) Halima Omar received representations from Councillor Pickersgill and this is attached as **Appendix G**
- (c) Rashel Ahmed received no representations.

The representations received all relate to the area itself, rather than the units or goods for sale and as such officers would recommend that all the representations are considered in relation to all applications.

## Officer Considerations

10. 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.
- a. 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.
  - b. 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.

11. The applicants have been provided with a copy of the report and have been invited to the meeting.
12. If members were minded to grant any of the applications the issue of consents would still be subject to any remaining documents that have not yet been provided, such as basic disclosures, or valid public liability insurance.

**RECOMMENDED** The committee is asked to determine the applications.

**LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**  
**Background papers**

**Contact Officer:** Mrs Sarah Flower Senior Licensing Officer

**Ext:** Telephone 0117 3574 900

**Appendices:**

<b>Appendix A</b>	General Conditions attached to a street trading consent
<b>Appendix B</b>	Photo of the proposed trading sites
<b>Appendix C</b>	Site location plan
<b>Appendix D</b>	Photos of the trading unit – Andrew Walcott
<b>Appendix E</b>	Photos of the trading unit – Rashel Ahmed
<b>Appendix F</b>	Representations received in respect of Andrew Walcott
<b>Appendix G</b>	Representations received in respect of Halima Omar

**GENERAL CONDITIONS THAT WILL NORMALLY BE ATTACHED  
TO STREET TRADING CONSENTS**

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.



## Appendix C



Triangle = Andrew Walcott

Circle = Halima Omar

Star = Rashel Ahmed





### 1. Cllr Pickersgill

I would like to object to this application at this initial stage and if it is not refused would make a statement to committee.

The Council is currently undertaking significant improvements to Redding Rd to make it a key pedestrian and cycling route into the Frome Valley network and also to Eastgate Centre. It is anticipated that further work be undertaken in the future to improve the access and environment. Redding Rd is likely to have an outdoor seating area for a local café in the future.

At the moment , there are a number of people who congregate at this site on a Friday to access people praying at the mosque (see attached) and sell a range of secondhand goods and food from the path. I assume most of these are unlicensed. This activity blocks the cycle route and stops the route being used as a pathway and key cycle access through to Eastgate as it is intended. It also contributes to increasing the rubbish in the area . Flytipping and illegal waste are reported almost daily from Redding Rd and the path under the bridge. It is not a suitable site for street trading and I would not support the application.

### 2. Invatech Health

Evergreen Realty owns and manages the property located at 442-450 Stapleton Road and the land under the M32 motorway. Our combined estate is outlined in the map overleaf and is occupied by the following businesses;

- Well Careplus - a pharmacy medicines supply and distribution business
- Invatech Health - a technology and software development business
- Dept of Work and Pensions - operating Job Centre Plus services for the local area

Over the last 12 months, the landlord and its tenants have invested significantly in the property infrastructure and the businesses. This has created a thriving hub which is a boost for the local economy and its employment. There are now approximately 150 staff who work at these premises with many clients, contractors and suppliers visiting the businesses each day.

In the case of the pharmacy operation, there are numerous delivery vehicles arriving and leaving throughout the day carrying critical patient medication supplies destined for care homes across the UK.

The main entrance to our businesses is at the rear of the property with a single point of access for all traffic, located off Napier Road. Unfortunately, the operations of our businesses have faced challenges caused by local activities and individual behaviours, leading to disruption and public safety concerns. Although our issues are problematic throughout the week, they are dramatically worse on Fridays and we would like to bring the following points to your attention;

A) Parking Issues and Access - The existing designated parking bays adjacent to the mosque, when occupied, create a single lane traffic system blocking delivery vehicles. When this happens, vehicles, which include articulated lorries, are required to reverse to allow oncoming traffic to pass. Aside from causing significant disruption, this presents a major risk to pedestrians. On Fridays, the number of parked vehicles and pedestrians is higher which increases this risk.

B) Existing Street Traders - On Fridays, the area immediately outside our gates is occupied by street traders. Their presence, once again, increases the number of pedestrians on the road which slows traffic arriving and leaving our car parks and presents risk to public safety.

C) Friday Prayers - Friday prayers means there is an intense concentration of people at a fixed time of day. For some people, the urgent need to get to Friday Prayers creates behaviours which are disruptive and anti-social. Cars are often abandoned in front of our gates denying all access to our entrances until prayers are finished. At the end of prayers, the entire congregation spills onto the main road further intensifying the traffic issues and public safety concerns.

D) Litter & Waste - Once again, the large number of people on Fridays increases the litter in the area. Although the approach to our property is a public road, the 'road sweeping' service provided by Bristol City Council is wholly inadequate. Therefore, any litter generated lingers for significant periods of time before it is addressed.

E) Pending Expansion of Mosque - We understand that Shah Jalal mosque were granted planning permission to extend the mosque and building is expected to commence imminently. We anticipate that during the construction phase and upon completion, there will be a significant increase in

congestion of traffic and congregation of people on the road. Understandably, our businesses are already very nervous about the impact this project will have on traffic and public safety within the vicinity of our entrance and its approach.

F) Enforcement - There is currently little or no enforcement provided by the police or Bristol City Council to counter the challenges described above. Over the last year, we have highlighted our concerns to local MPs, Councillors and the Mayor's office and sought their support to help address these issues. Although some progress has been made, a lot remains to be done.

This application seeks to provide a street trading licence at the very location where the issues are at their worst. We believe that the granting of this application would further add to the existing challenges our businesses face. Increasing the street-trading activity would, by definition, result in more people congregating and lingering after Friday Prayers. This will in turn worsen traffic congestion, disruption to deliveries and increase safety risks to our staff and the public.

Given the location of our property, we believe this application would impact our operations and our staff more so than it would any other interested party. Further deterioration of the current situation will eventually lead to our tenants reconsidering their future at this location, thus undoing our efforts to support this area.

Therefore, as the landlord of the property and on behalf of the tenants that operate their businesses at this location, we strongly oppose this application and urge the Planning Department to reject this.

We confirm our willingness to attend any oral hearing or meeting should this matter progress to any stage beyond this point.

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