

**BRISTOL CITY COUNCIL
PUBLIC SAFETY AND PROTECTION COMMITTEE
27 March 2018**

Report to consider two applications for the Grant of Street Trading Consent(s) at Paved area by the Fountains outside City Hall, College Green Bristol

Applicants:

**Christina Sanjivi (Wok Boxstix Ltd) – Fresh Café
Honore Sanjivi – Wok Boxtix**

Report of the Director of Communities

Purpose of Report

1. To determine two applications for the grant of a Street Trading Consent at the following location: Paved area by the Fountains outside City Hall, College Green 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 be attached to a licence/consent if granted are at Appendix A
4. A number of applications for street trading consents have been received for the same location details of which are provided below. If granted the consents would enable the applicants to trade lawfully at the above location.
5. Photographs of the proposed trading site are attached at Appendix B and a site location plan at Appendix C.
6. On 8 September 2017 Christina Sanjivi of Wok Boxstix Limited applied to sell the following goods:

Hot drinks, Coffee, Tea, Cold fizzy drinks, Biscuits, Crisp, Sandwiches, Jacket Potatoes, Bottled Water, Bottled fruit juices, Chocolates
During the hours of 0900 and 1730 Monday to Saturday
Photographs of the trading unit are attached at Appendix D

7. On 7 September 2017 Honore Sanjivi applied to sell the following goods:
Hot Drinks, Tea, Coffee, Cold and Fizzy drinks, Biscuits, Crisps, Sandwiches, Jacket Potatoes, Bottled Water ,Bottle Fruit Juice.
During the hours of 0900 and 1800 Monday to Saturday.
Photographs of the trading unit are attached at Appendix E
8. A further application was received for this site from George Smith, for a hot food unit, which was due to be included in this report but was subsequently withdrawn. Since the responses received from this consultation relate to concerns about the appropriateness of the site, rather than the specific unit officers feel they have relevance and therefore they have been included in the report at Appendix F.

Consultation

9. 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 all applications.

Consultation Responses

10. The following responses have been received.

In respect of the withdrawn application from George Smith four representations were received from relevant persons. These are attached at Appendix F

In respect of the application from Christina Sanjivi of Wok Boxstix Limited one representation was received from BCC Markets Team. This representation was the same as received for Honore Sanjivi's application and therefore has not been duplicated here.

In respect of the application from Honore Sanjivi one representation was received from a relevant person and one from BCC Markets. These are attached at Appendix G.

The representations received primarily relate to the site 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 of the applications.

Officer Considerations

11. Members will note that the Council's own Markets Department have requested these applications be refused in order that concessions can be considered for College Green. Any future concessions would be advertised through an open tendering process
12. If the sub-committee were minded to grant any of these applications officers would recommend that a condition is placed on them requiring that the units be removed at the end of trading time with a suitable time between trading time to allow take down and set up. In addition a further condition prohibiting use of the consent when any events are taking place on college green in order to maintain the use of the site for any other purposes outside of the trading hours when their presence could conflict with the event on offer e.g. BBC Food Festival

Officers would also recommend that conditions are added to ensure the consent holders are responsible for any damage caused by their units being placed or removed from the site.

In addition officers would recommend that consideration be given to the size of each of the units as access is currently restricted by bollards to this location. If bollards were required to be removed for access by any of the units the applicant would be responsible for the cost of these works. Approval would be required from Highways before this could be carried out.

There is a seasonal ice cream vendor who operates at this site on weekends and occasional weekdays. Officers would advise that taking into account the size of the current unit and the units

applied for here there may be room to accommodate both on the site.

13. The committee considered a number of applications for this site with a range of food offers on 26 January 2016, and the minutes from this meeting are attached at Appendix H. All hot food offers were refused as inappropriate for this location.
14. 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.
15. The applicants have been provided with a copy of the report and have been invited to the meeting.
16. 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 refuse the applications.

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

Contact Officer: Ms A Holman, Senior Licensing Officer

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Appendices:

Appendix A	General Conditions attached to a street trading consent
Appendix B	Site photos
Appendix C	Site location plan
Appendix D	Photos of the trading unit – Christina Sanjivi of Wok Boxstix Limited
Appendix E	Photos of the trading unit – Honore Sanjivi
Appendix F	Representations in respect of George Smith application
Appendix G	Representations in respect of Honore Sanjivi application
Appendix H	Minutes of meeting on 26 January 2016