

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

Report to consider applications for the Grant of Street Trading Consent(s) at a number of locations within the Bristol City Council administrative area.

Applicants: Bristol City Council

Report of the Service Manager – Regulatory Services

Purpose of Report

1. To consider applications for the grant of a Street Trading Consent in principle at the following locations:
 - a. Sea Walls, Circular Road
 - b. In Layby Ref ST563741, Circular Road
 - c. Junction With Gloucester Row, Observatory Road

Background

2. These applications are made by the Bristol City Council Parks and Markets Teams.
3. The Parks and Markets Teams are responsible for managing land on behalf of the authority These are premium locations whereby it is anticipated market value can be achieved by way of a concession process. This will be achieved via a tender process, whereby applicants bid for the site. These bids are assessed against specific criteria for each site, to ensure the successful applicant has a suitable offer for the relevant site.
4. The successful applicant for each site would be subject to a contract with the relevant team, issued for up to three years.
5. All of these locations fall within the street trading policy as consent streets 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.
6. In order to streamline the process for the successful applicant,

the Parks and Markets Teams have submitted “in principle”, or provisional, applications for the identified sites to the Licensing Team, in order to establish whether the sites may be suitable for a concession site, and whether there are any issues with them. Therefore these concession sites are treated in exactly the same way as any other street trading application, which has the advantage of enabling other teams within the council and relevant persons to be consulted as to their suitability, or raise other concerns they may have.

7. If granted these sites would be put out to tender, and the successful applicant would be required to submit a fresh application for street trading. The licensing manager may then dispense with the need for a full consultation if appropriate. The applicant would still be required to demonstrate that they were a suitable person to hold a street trading consent, and complete the other steps such as demonstrating the appropriate food hygiene level, and provision of a basic disclosure.
8. Details of each of the applications are shown in the appendices as follows:
 - a. Sea Walls, Circular Road
 - b. In Layby Ref ST563741, Circular Road
 - c. Junction With Gloucester Row, Observatory Road

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

The application is also advertised on the Council’s website, and the applicant is required to place a notice of the application at the site for 21 days.

Standard consultation was undertaken in respect of all applications.

Consultation Responses

10. Responses were received for each of the applications, which are included in the appendices. For each of the applications an objection was received from Gregg Latchams solicitors on behalf of their client. They have indicated that they will expand on the objections at the hearing, but have also been asked to provide their expanded reasons in writing prior to this time.

Officer Considerations

11. The land is owned by Bristol City Council and the Merchant Venturer's Association.
12. The locations are on the area known as Durdham Down and Clifton Down which are managed by the Downs Committee, a statutory body, established by an Act of Parliament known as The Clifton and Durdham Downs (Bristol) Act 1861 (Downs Act). This body are empowered to ask the council to make byelaws to help them fulfil their statutory duties to manage the land under the Downs Act. The council has made byelaws.
13. Byelaw 6 states *'No person shall on the Downs, without the consent of the Downs Committee, sell or offer or expose for sale, or let to hire, or offer or expose for letting to hire, any commodity or article.'*
14. The Downs Committee have given consent for trading to take place at these locations.
15. General conditions would normally be attached to a licence/consent if granted, however the position in relation to The Downs is unusual in that the council has made a byelaw that enables another public body (the Downs committee) to regulate street trading on most of the Downs. Since the controls exist and the application must be determined, the Committee is advised that:
 - a. If a street trading consent is granted the Council should take care not to impose conditions that are inconsistent with the conditions imposed through the consent already given by The Downs Committee; and
 - b. when deciding whether or not to grant a street trading consent, the views of the The Downs committee, being the body with a statutory duty to manage The Downs, should be afforded appropriate weight.

16. 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.

c. If such a permission is included then the council may include conditions

- as to where the holder of the street trading consent may trade by virtue of the permission; and
- as to the times between which or periods for which he may so trade.

17. Representatives from the Parks and Markets Teams will be in attendance to answer any questions or provide further detail where required.

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

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

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Appendices:

Appendix A Sea Walls, Circular Road

Appendix B In Layby Ref ST563741, Circular Road

Appendix C Junction With Gloucester Row, Observatory Road