

**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. Capricorn Quay, Hotwell Road

Background

2. This application is 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. This location falls 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 this site 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 the application is shown in the Appendix A along with a location map.

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. A number of responses were received which are attached at Appendix B

Officer Considerations

11. If the sub-committee were minded to grant this application officers would recommend a number of conditions be attached in addition to the standard conditions normally attached:

- The consent holder shall not be permitted to use either a diesel or petrol generator. The unit may be powered by an alternative energy source, however it must be of a 'silent running' nature.
- The consent holder will not be permitted to trade on occasions when other events, or festivals take place at the site, or which encompass the site, without the explicit written permission of the event or festival organiser.

12. 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
 - 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.

13. 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

Contact Officer: Ms A Holman, Senior Licensing Officer

Ext: Telephone 01173 574 900

Appendices:

Appendix A Details of application and location map

Appendix B Representations

Location and application details:

Capricorn Quay, Hotwell Road

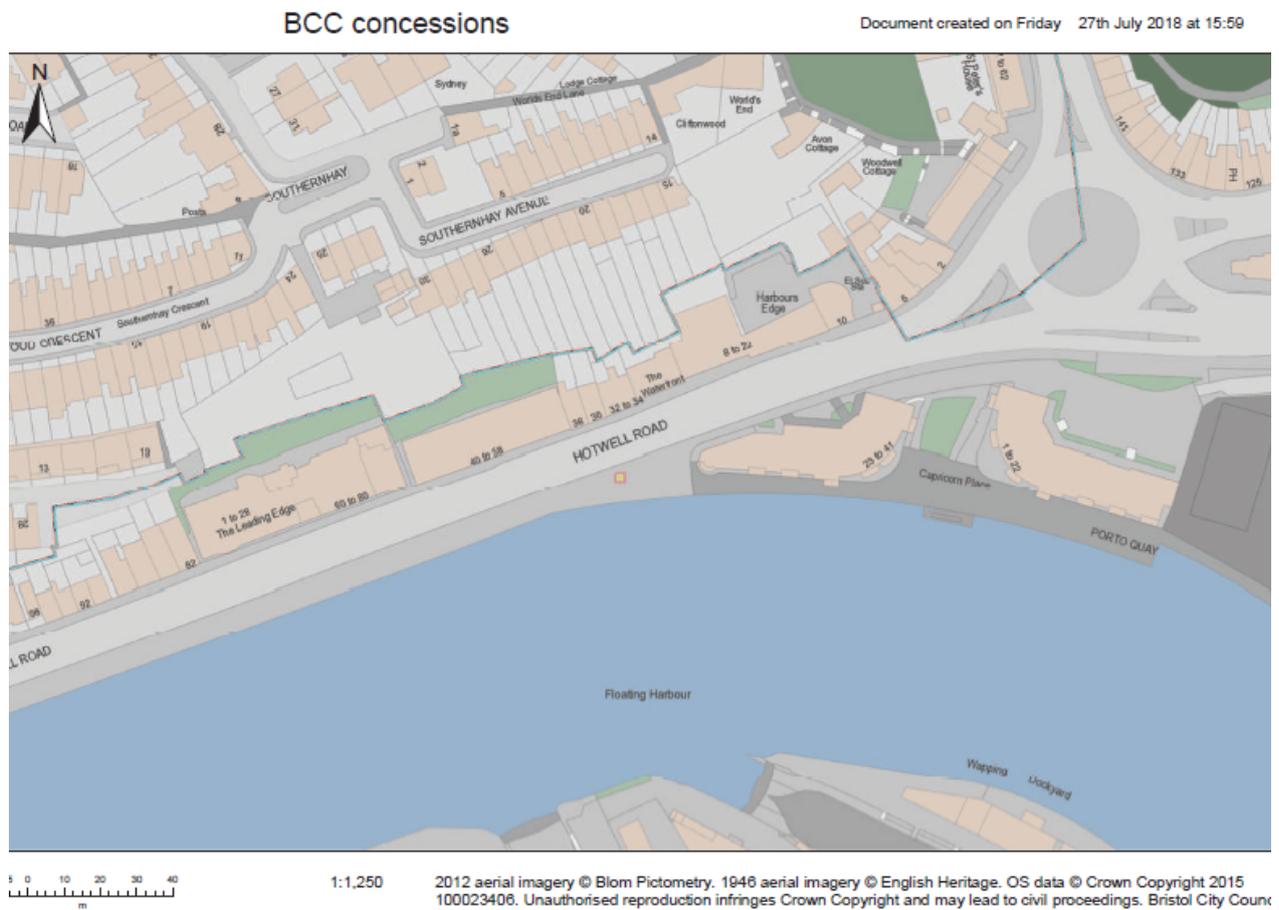
Type of vehicle permitted: Van or trailer

Outside of trading hours vehicle kept: Offsite

To sell: Coffee kiosk, snacks or ice cream concession. To exclude any such items deemed to cause offence and or harm, such as alcohol, weapons, fireworks, vaping, tobacco, knives or legal highs.

Maximum hours: Monday to Sunday 0700 - 2000

Location Map:



Relevant Person 1 - Cllr Wright

I wish to object to the Capricorn Quay one on the grounds that it is too close to residential properties. You may not be aware, but I (and the Friends of Brandon Hill park group) have been in a year-long battle with the ice cream operators on Brandon Hill to get them to use the electricity point (that they are contractually obliged to use) in order to cut down noise and pollution smells from the ice cream van. Lopresti (who will most likely win this spot, as they win everywhere these days) absolutely refuse to properly kit out their vans and cannot be trusted not to make constant noise and to refuse to do anything about it.

Any such site needs to be moved much further west along the quayside to take them out of nuisance range of the Capricorn flats, but not so far as to make it opposite the flats on Hotwell Road. E.g. somewhere like here might be appropriate:



Relevant Person 2

I would like to object to the above concession application.

o The notices posted to inform the public re this application are unclear as to its actual location. The location is identified as Capricorn Quay. If the proposed location is where the posters are displayed this is actually Porto Quay. I am not aware of where Capricorn Quay is. (150 yards to the east of Oporto Quay is Capricorn Quay Landing Stage).

o If the location is where the notices are displayed it is totally unsuitable for a concession such as the proposed "coffee kiosk". The concession would be about 10 metres from the residential properties of Capricorn Place. A kiosk open from seven am until 8 pm selling snacks, ice cream etc. is not appropriate so close to the apartments at Capricorn Place. As there is no electricity at this location the kiosk would need a generator. The noise of this accompanied by related smells and the general noise and hubbub of customers is unsuitable so close to the apartments of Capricorn Place.

I would ask you to refuse the above application.

Relevant Person 3

Summary of objection:

- o Unclear location specified in Capricorn Quay - which doesn't exist
- o Too close proximity to residential properties (within 2 metres of windows and balconies) for additional noise and fumes.
- o Not on adopted public highway therefore you are unable to award concession.

We see that notices have been posted at the west end of Capricorn Place indicating that

a concession has been applied for by Bristol City Council. As you don't run ice cream vans then we assume that you will then pass that concession on to another operator?

It is unclear from the notice the exact location of that the concession as Capricorn Quay Landing Stage is some distance and several lampposts away from where the notice is placed. The building that is adjoining to the notices is Capricorn Place, not Capricorn Quay. Can you please supply the exact location of your proposed concession. Capricorn Quay as such doesn't exist. Porto Quay and Capricorn Quay do exist.

Also note that some of the land around Capricorn Place is not adopted public highway and therefore would not be available to you to award a concession to yourselves.

However, wherever the intent is to award the concession, it is within 2-10 metres of up to 40 residential properties and is unsuitable location to award any concessions. Anything that introduces additional noise or odour to the area within close proximity of our apartments is not acceptable.

Your notice in the street indicates 'Coffee kiosk, snacks, ice cream', however the version online only mentions 'Goods for sale Monday to Sunday 07:00 - 20:00' and does not preclude the sale of items such as 'such as alcohol, weapons, fireworks, vaping, tobacco, knives or legal highs'. Why is that?

We also note that ice cream vans have previously used the spot at the west end of Capricorn Place without displaying any concession notice within their van and have caused much disturbance to the residents (only 2 metres away) by belching diesel fumes from their vehicles and making considerable engine noise.

As a residents association we would have expected to be contacted before any application was made to ensure that we were adequately consulted. At that point we could have highlighted the issues above, saving the angst that you have caused many of the residents in our blocks.

I'm sure as a money making exercise Bristol City Council would be very pleased with the additional income, however the businesses at Mardyke Steps and Harbour Inlet will be less impressed with the reduction in their takings because of the additional competition.

Please retract the application before it goes any further.

I would also like to point out that the majority of other concessions that you are proposing on the list are not near residential properties and would be more appropriate.