

**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. Redland Green Park

**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. A number of the responses mention the park's status as a Village Green. Legal advice was sought by the Parks Team in relation to this to ensure that the Council was compliant with the requirements of a Village Green, and an extract of the advice is below:

*Once registered as a village green the land retains that status unless and until it is deregistered through a formal process. The act of registering the land does however mean you cannot do anything over or on the land which would have the effect of impeding the enjoyment or use of the village green. The relevant legislation is Section 29 Commons Act 1876 and Section 12 of the Inclosure Act 1857.*

*In essence therefore the complaint is really that placing a concession on the village green is effectively a nuisance to the users and therefore a criminal offence. S29 Commons Act 1876 allows any inhabitant of the parish to lay an information (a summons before the magistrates court) in respect of the offence.*

*The only lawful excuse under S29 is that the activities are being carried on for the betterment of the village green. It may be possible to make an argument that the concession stand is such an activity, enhancing the experience for people using the green whilst providing much needed refreshments. Similarly it could be argued that it is nothing more than a commercial enterprise being used to maximise income at the expense of the village green users. One of the key factors will be how much of an impact the concession will have on the use of the village green in the vicinity of the concession proposed. It will not be sufficient to suggest that the users can still enjoy the rest of the village green if the effect of the concession is to inhibit the overall beneficial use of the green.*

*If the concession "vehicle" is a mobile facility rather than a permanent structure this may help to mitigate any assertion that the concession was causing a "nuisance" to the users of the green. A concern would be with setting out chairs if they were specifically related to the concession, and depending upon the number and nature of them, as this could prove a significant hindrance to users of the green who would be likely to feel that they had to circumvent the chaired area if they were not buying anything from the concession.*

12. If the committee were minded to grant this application Officers would recommend that the following conditions are included in line with the legal advice above:
- The consent holder shall not be permitted to have any

tables and chairs without explicit written permission of the Council.

- The unit shall be removed from the site at times outside of the trading hours.

13. 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.

14. 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

## Appendix A

### Location and application details:

Redland Green Park, Redland Green Road

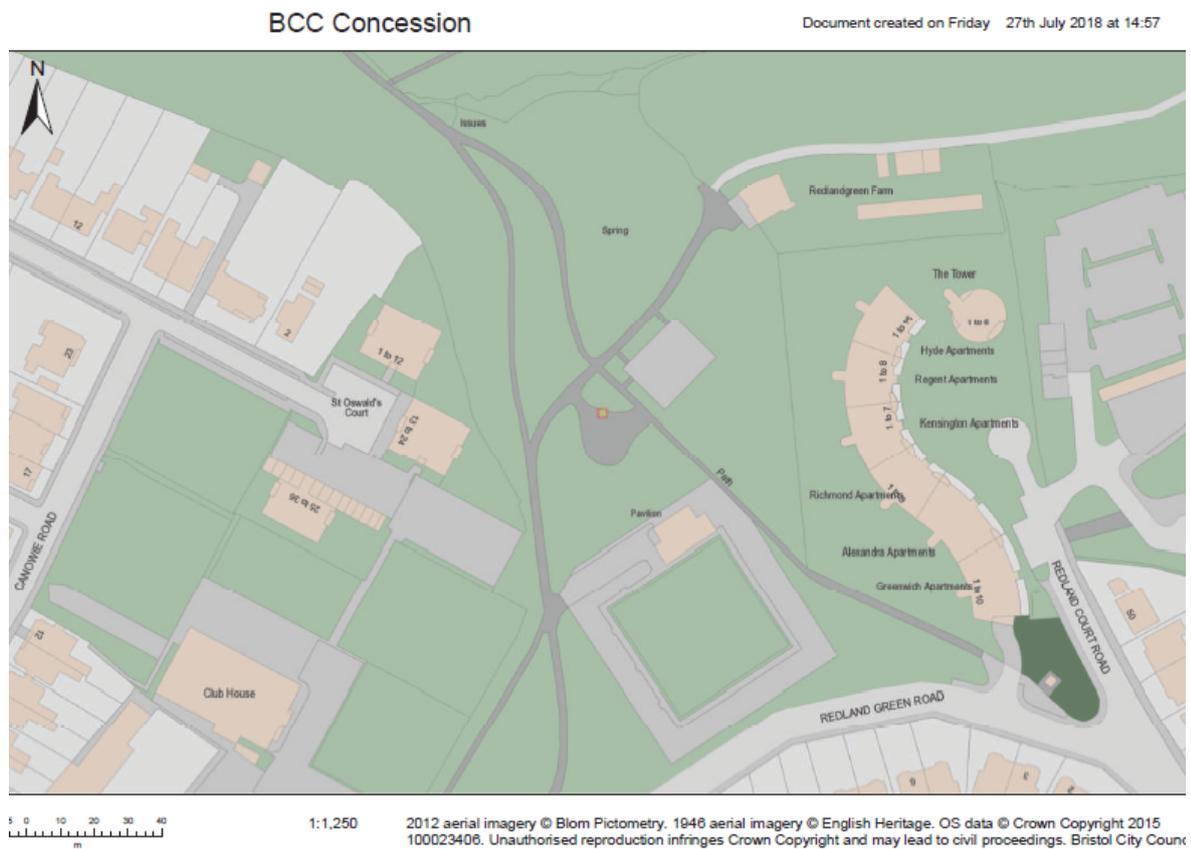
Type of vehicle permitted: Van or Trailer or Cart (1.75mx2.4m approx)

Outside of trading hours vehicle kept: Offsite

To sell: Ice cream, soft drinks and/or Coffee and small snacks. No non-food items.  
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: Originally applied for Monday to Sunday 0700 – 2000. After discussion offered reduction to Monday to Sunday 1000 - 1600

### Location Map:



### Relevant Person 1

It seems wrong to suggest a location so close to the play area- currently the operatives still run their generators to keep the ice-cream cold and this impacts on the users of the children's play area both inside and outside the fence; with impacts on both air and noise pollution.

The proposed location is next to the new bench seating - this is not only unacceptable for users of the benches but also reduces the available hard surface play area where children and young people can use bikes/ skateboards etc. There is no space for this inside the fenced area and the access road to the allotments and farm is not appropriate for this activity because of the (infrequent) traffic.

I would prefer the stand to be on the road! We don't want to encourage any more people to drive into the park other than farm owners and allotment deliveries. But failing that, perhaps the short stretch of tarmac next to the bowling club gate leading to Redland Green Road which was installed as part of the Redland Green School planning application and was supposed to be used by cyclists, but isn't, could be identified as the stand.

Any ice-cream or food concessions should also operate without engines running; this should be a Bristol standard for all concessions but essential for any concessions located within parks

### Relevant Person 2

We understand the financial considerations that are driving this proposal, but we are not convinced that the financial benefits have been weighed against the environmental costs - and there is insufficient information supplied in the consultation documents to be able to make this judgment.

We are concerned about the environmental impact on the Green. Our park is considerably smaller than, for example, St Andrew's park and so locating a concession of this kind on the Green will have a greater impact on the feel of the limited space available, and the unspoilt nature of the Town Green environment. There is also considerable frustration that we have long campaigned for other quite simple steps to be taken to improve the facilities for park users. Members of the group have been campaigning for a decade now for the installation of a water fountain and several years ago we raised money to provide a power supply so that the ice cream van that currently has a licence could switch off its engine and reduce pollution. Both of these proposals would have significant environmental benefits, but we have been frustrated from taking them forward by the council. Alongside the question of the appropriateness of granting permission for a van to operate for the hours mentioned in the application, we are concerned about the impact it would have on litter and pollution. In contrast to the ice cream van, we imagine that the concession will supply items with disposable packaging and containers - single use cups and the like. What extra provision will be made for this litter, and where does this fit with the council's other policies on recycling and, for example, the reduction of the sale of bottled water?

The council is supposed to be committed to working with parks groups like our own. We are frustrated not to have been more directly consulted about this very significant proposal and we would value the opportunity for a more coherent consultation, where adequate time is given to discover the views of park users and where more detail about the potential environmental impact is given and can be discussed.

### Relevant Person 3

I am writing to voice my objection to the above application for the following reasons.:-

1. Hours and times detailed are far in excess of those currently experienced with the visiting ice cream van. This denotes a considerable change of use which contravenes the Village Green status of Redland Green.
2. The proposed goods for sale includes hot and cold drinks and hot and cold food, all considerable changes from the sale of just ice cream.
3. Apart from the change of goods for sale there is potential for more litter/refuse/noise from the proposed food sales.
4. The local community has raised funds for a Lucie post to be installed to enable the current ice cream van to stop belching out diesel exhaust while it sits on site, this has still not been installed and the proposed concession would probably continue polluting the atmosphere next to the children's play area if there is no power supply.
5. There are food outlets locally which would suffer from loss of trade.
6. The siting of the concession reduces the hard surface playspace currently enjoyed by many children and families
7. There has been no prior consultation with the local parks groups on this application

Relevant Person 4

I am writing in response to the application for a street licence in Redland Green Park (see photo below), to sell ice cream, hot/cold drinks and hot/cold food. xxxx

I presume that the application will be based on a food van with a diesel generator as there as yet no accessible electric points on the Green and as such it is surely in direct contention with the Bristol's 'Green' policy?

It is also somewhat disappointing that 3 years ago the annual Redland May Fair has campaigned and raised funds from the local community for a Lucie Post on the Green to counteract such diesel fumes. A similar hook-up is already in St Andrews Park. We had wanted to give something back to the area for the use of the Green each year. To date, after quite a few false starts and many staff changes at the council and despite avid support from our local councillors, we are no further forward. In fact if this new application is granted, we will be literally taking a big step backwards instead.

To return to my main point, to allow and encourage the sale of hot/cold drinks and food as well as ice cream is extremely worrying. There are currently very few litter bins in the park and the potential increase in litter is just not workable. It would attract further foxes and rats to the area which already sees its fair share of vermin. The Redland Green Community Group organises a voluntary litter pick every 6 months or so but to expect the public to have to do this on a more regular basis to keep Redland Green in a clean and pristine condition is just not acceptable.

I strongly reject the idea to sell anything but ice cream on Redland Green. However, I would only support the continued presence of an ice cream van if a Lucie Post was erected to allow the use of clean fuel rather than diesel. As I stated earlier, funds have been carefully earmarked for this project but despite all efforts with the Parks Dept, we have been unable to progress it!

Relevant Person 5

First, I wish to observe that this consultation is most badly timed: the three week consultation period coincides with the peak summer holiday period during which many residents are not here and thus neither aware of nor able to participate in a consultation. This is hardly democratic, and I feel the consultation should be re-run in school term time to give more local residents the chance to participate.

Second, there is a paucity of information in the consultation, so detailed consideration of the benefits and disadvantages of such a concession is not possible. For this reason also, the consultation needs to be run again with the missing detail. However, the immediate considerations that come to my mind are:

- o How will any vehicle supplying refreshments be powered? Noise and air pollution are both considerations. Redland Green is a much loved and much used local park valued for its seclusion, tranquility and wildlife. It is also a registered village green. Is a commercial outlet - effectively operating all day - going to destroy the tranquility and foul the air with diesel or petrol emissions? The proposed location of the concession is adjacent to a children's playground, tennis courts, a bowling green and benches where teenagers often congregate. When the icecream van that currently has a roving concession operates in this area, the air is fouled by its diesel emissions, particularly on days when the air is still. Is this treasured refuge from city noise and pollution to be destroyed throughout the day as part of the council's attempts to make parks pay for themselves?

- o A very significant concern is the litter that a concession would generate. There are few bins for disposal of rubbish in Redland Green. A concession could overwhelm their capacity and result in our Green becoming strewn with plastic and other waste material. The consultation does not discuss what extra provision would be made for the collection and disposal of waste, nor whether obligations would be placed upon any concession to be responsible for the collection and disposal of waste its business generates, with loss of the concession being the consequence of non-compliance.

- o There is no mention in the consultation of what requirements there would be on any concessions to minimise packaging materials and to use biodegradable materials. "Fast food" outlets have been responsible for a vast increase in plastic and waste material, much of which ends up as litter on our streets (and ultimately in landfill). This has resulted in an eyesore, a great cost for the public purse in cleansing, and an environmental cost as the use of plastics and other materials to package and deliver food has soared. Bristol, as a former "Green Capital" city should surely be setting the way in requiring all street/fast food outlets to minimise packaging and use biodegradable materials, but we are not told whether there will be such obligations upon vendors or not.

Bristol's parks are much loved and highly used, and they are vital places for residents to find respite from noisy, polluted city life, to enjoy nature, to exercise, to play and to rest. It is extremely important to protect those small remaining fragments of quasi-natural landscape in our urban environments for citizens' physical and mental health, and for the small populations of wildlife that remain. All of this is threatened if parks are turned into revenue-generating assets. Redland Green is a very small park, and a commercial outlet in the park would leave few parts of the park unaffected by its presence.

I understand the pressures that are driving councils to consider such measures, but depriving people of vital places of tranquillity and refuge from stressful city life is an extremely deleterious response. Parks are one of the assets that make city life tolerable and I would like them to remain as treasured natural spaces.

As it stands, and having been so little information upon which to base a response, I have to conclude that a concession potentially generates more threats than it confers benefits, and I am therefore opposed to the granting of a concession. However, I also feel that this consultation is not democratic, having been run in the peak summer holiday period, and I will reconsider my views if the consultation is run outside holiday periods, given a longer duration than three weeks, and we are supplied with the detail which would permit thorough consideration of the proposal.

#### Relevant Person 6

I am writing to express my concerns about this possibility: I live near the Green, I see it every day and I use it every single week of the year, sometimes several times. I know of many other locals who share my concern for the health of this precious local green space and who also appreciate the value it gives to city living: in shade; in green lungs; in being a peaceful space for quiet contemplation; in being a haven for the wildlife we humans have driven out from elsewhere while building our city.

So it seems to me and to us that this idea (of selling food and drink on Redland Green) is a misguided one that cannot properly have considered the consequences beyond the bare financial ones:

Redland Green is a small area - smaller than most city parks and far smaller than (for example) St Andrew's Park, where a food concession already operates; it will be impossible to pass through the Green without passing it by - without being affected by the smells, noise, litter and vehicle fumes. I assume a generator would need to be run to provide power, and the toxic smells of the ice-cream van that currently has a license are appalling already on a still day.

What consideration has been given to the packaging that will inevitably fall to volunteers such as me to pick up? Take-away comestibles and litter are so inextricably entwined that you, by contemplating one are guaranteeing the other. And to foist a new litter source upon the local community without its explicit agreement - and explicit agreement is far more taxing to achieve than 'consultation' - to do this is an insult to that community. There is already a local community Group - the Redland Green Community Group - which self-organises volunteer litter-picking sessions to clear that which escapes the Council's efforts. By planning a food and drink concession you are knowingly creating more work for these volunteers - which is an outrage if you have failed or not even troubled to obtain their agreement. What involvement has the Redland Green Community Group had in considering or developing this proposal?

Next, plastic, and particularly single-use plastic. It cannot have failed to escape your notice that discarded plastic waste is a problem for the planet. Nor that there is strengthening public feeling against the structural features of our society that embed the problem. These include the fact that there is no environmental cost to manufacturers or vendors of these toxic materials - they simply pay the extraction and production costs. The costs to the environment, if ignored at the production stage, are picked up by the planet later - after disposal and dispersal. It is for this reason that enlightened governments are now looking at taxation or bans on single-use plastic as a way of starting to get a grip on this. Bristol City Council itself has policies on recycling and on reducing use of bottled water that this proposal runs directly counter to - at present, single use coffee-cups are un-recycled and moreover, UN-recyclable.

Finally, I want to address noise, smells and peacefulness together. With the experience of a long career in Healthcare, I can attest to - as well as point to the research evidence that indicates - the greater mental health problems in cities than in the countryside. And that great value to boosting mental health (which I remind you is another of the Council's priorities) comes from green space and from the sense of peacefulness that these places provide. It is one of the reasons why, when the NHS was better funded, horticultural therapy was one of the most successful mental health interventions. And, if we should all be agreed that the city's green spaces fulfil a vital function in providing a battery-charging benefit to its citizens' sense of well-being, I need to point out - even at the risk of stating the bleedin' obvious - that a sense of calm and peacefulness rely on NOT being assailed by someone else's commercial opportunity. For this reason the commercialisation of parks - which then gives them the same features as the rest of the city, is a short-sighted move that runs counter to the Council's mental health objectives.

It was Oscar Wilde who wrote that 'A cynic is someone who knows the price of everything and the value of nothing'.

Do I need to point out that for the Council to plan such a pervasive change to the qualitative feel of Redland Green - without the close involvement of the local community - and with the briefest of 'consultations' in the middle of the Summer holiday period - is, in all respects, a cynical move?

Relevant Person 7

I write to object to the above application on the following grounds:

XXXX

2. It is the summer holiday time and therefore many are not able to make comments. Many Redland Green School children use The Green as a route to and from school and no doubt many parents and the school leadership would wish to make comments.
3. The public notice is misleading as it implies that the application form can be viewed on line. Any details of the application are very difficult to find as the full address is not given, and the only information I could find was the same as the notice with no further information.
4. I understand Redland Green is a designated Village Green and so this application may contravene change of use regulations.
5. There have been objections locally by users of the Children's play area that the ice cream vendors van is both noisy and polluting. A couple of years ago money was raised locally for a Lucie Post but the Council have not installed it yet!
6. A drink and food outlet concession will produce waste, so will it be using only non-plastic recyclable containers?

Relevant Person 8

I note with some concern the application to locate a food and drink concession on Redland Green. The time period suggested for such a concession is considerably in excess of that previously permitted for the present ice cream van. In the extra period under consideration this therefore represents a change of use of that part of the village green. I have discussed this with various residents and they do not believe that such a change of use should be permitted and I agree with them. I therefore object to the application as presently worded.

In view of the village green status of Redland Green and the objections to the change of use it would be illegal to allow such a concession to be permitted on the

green. Any council employee allowing such a concession to be permitted would themselves be breaking the law.

#### Relevant Person 9

I should like to state my total opposition to the siting of a food and drink concession on Redland Green. My reasons for this are:

- o Redland Green is a very natural open space which will be completely disfigured by the siting of a food and drinks concession in the area;
- o Litter on the Green will become a real problem. Levels of litter: plastic bottles, containers, packaging (polystyrene, cellophane etc.) will have a hugely detrimental impact not only on the Green and adjacent park but on the wider environment. Litter blown by the wind or carried away by foxes will most likely end up in the steep valley by the allotments along which a stream runs. It is common knowledge where plastics, that are carried away by water, eventually end up. As a regular dog-walker on the Green and in Redland Park, I daily pick up plastic bottles, bottle tops, plastic straws and many other discarded items that are harmful to the environment. At present the level of litter is unacceptable. It will clearly be hugely increased should food and drink actually be sold on the Green;
- o A concession would inevitably be a magnet for 6th Form smokers during their free lessons. Already they congregate in their numbers outside the school gates. The prospect of drinks and snacks available on the Green would draw many to smoke and consume food and drink there thus adding even further to the littering problem. Cigarette butts, as we all know, are unsightly, but more importantly an environmental hazard once they get washed away into the drainage system.

I am dismayed that the Council might think of approving this venture that would have a hugely negative impact on the Green. It runs counter to what anyone who knows the area and the community who regularly use the space would consider desirable.

#### Relevant Person 10

I would like to object strongly to the application for a concession by Bristol City Council to put a van on Redland Green Park selling drinks and food. PG10.

I have only just heard about the application as I have been on holiday. The timing of the consultation has not allowed sufficient opportunity for local residents and users of the park to respond, as most people are on holiday from the date of the notice ie 27 July to 17 August.

I have lived on xxxxxx, very close the park for 30 years and raised my family here.

I object because:

This is a conservation area

Redland Green is a very small area

The tranquillity of the area is best preserved without commercial interests/cafes etc being set up on the green

There is an environment concern regarding the noise and litter.

The van is not suitable for a small park like Redland Green. If people want to go to a larger area with a café there is the Downs Café not far away.

I sincerely hope that the proposal is stopped.

Relevant Person 11

I would like to lodge my deep concerns about the idea of van being parked on Redland Green as a regular fixture, selling food and drink.

I believe that could lead to a lot more rubbish being left on Redland Green, as people discard their cans, bottles and wrappers after consumption. This would spoil the atmosphere and look of the area, and would lead to increased costs for cleaning up the mess.

I am also very concerned about the proximity of this van to Redland Green School, and at a time when we are trying to provide better snacks for our young people, it would be a great shame for them to be offered yet more unhealthy food and drink. Also, the quantity of children being enticed over from the school at breaks and at the end of the day, may also cause some disruption to this usually tranquil spot.

This van may well cause friction and annoyance for the local families with young children, who will be all too aware of the van at the end of their street.

I hope that you will consider these points.

Relevant Person 12

We already have a regular ice cream van by the children's play area.

It is unnecessary, indeed undesirable to enlarge this eating/drinking facility for a variety of reasons, one of which is it would be detrimental to the quiet enjoyment of this uncommercialised open space.

I therefore register my objection to this proposal.