

**BRISTOL CITY COUNCIL
PUBLIC SAFETY AND PROTECTION COMMITTEE
9 January 2019**

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. South Corner of Cotham Gardens, Redland Grove

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. Detail 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

Appendix A

Location and application details:

South Corner Of Cotham Gardens, Redland Grove

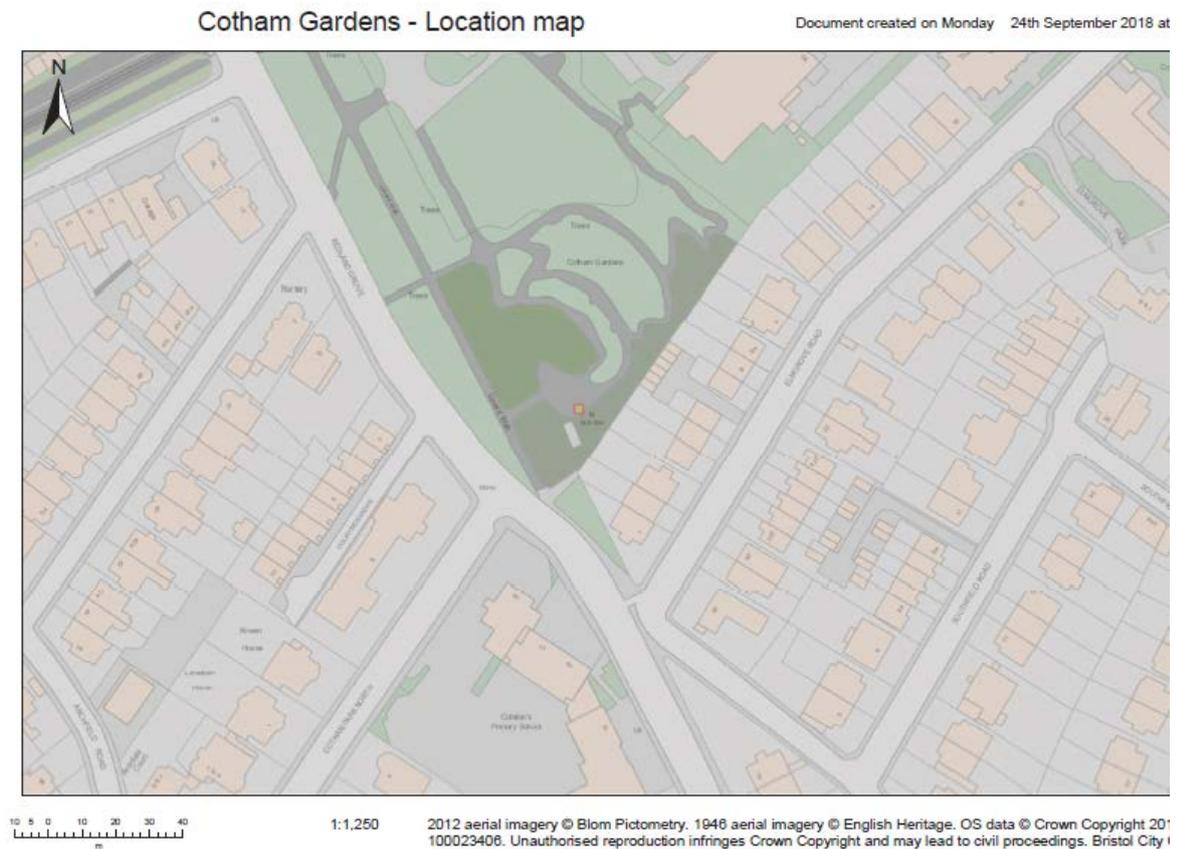
Type of vehicle permitted: Van or Trailer or Cart (1.75mx2.4m approx)

Outside of trading hours vehicle kept: Offsite

To sell: hot/cold drinks, hot/cold food, ice cream. 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:



1 RP

What an appalling idea!

We are constantly reminded of how obesity has become a crisis yet there are attempts to add food vending in our parks. What madness. Children are frequently there unsupervised and this temptation might well be beyond their resistance. Who would police the food's calorific or health value and what about the possibility of children with allergies buying something which, had their parents been present, would inevitably have been refused.

Oh, dear, please let parks and gardens remain as such, food is definitely not needed everywhere and at all times. The point of our parks is healthy relaxation and enjoyment of fresh air; once a license was given, who knows, but it is likely that such foods as burgers etc might be sold, the stench from them would be unbearable for anyone just wanting clean air in a tranquil space.

2 RP

I would like to object to the proposals for hot and cold food concessions to Cotham Gardens.

Whilst a discrete tea/coffee trailer would be welcome (similar to St Andrews park or the Clifton Suspension bridge) anything else is likely to be vulgar (think Jason Donervan on Clifton triangle).

Key consideration must be given to local residents, the school, the amenity value of the park/lover's walk, and impact on children's health.

Issues are likely to be noise from diesel generator and users, smells (food and generator), air quality (generator), litter.

What reinvestment in the park would this proposal generate - I suspect none, although it would be income producing for the council.

3 RP

I am writing to object to Licensing application 18/03175/STCON to sell takeaway food and drink in Cotham Gardens, because it would make worse all the issues with health and the environment that most people are trying to improve.

I cannot see any benefits that would outweigh the multiple disadvantages and the general public nuisance, the increases in environmental pollution from engine fumes, cooking smells, litter, yet more waste to go to landfill or strewn around the park, dropped food waste attracting vermin, and the damage to people's health, especially children's, from consuming fast food. I do not think it is appropriate to site a food outlet in a small park, which should be a restful place, and on a route close to schools, exploiting children. The litter in Cotham Gardens is already considerable and the only reason we're not already knee-deep in it, is that I and other local residents pick it up every day on our walks around the park, so I shall feel very aggrieved if the Council allows this for the sake of the money it brings in, and leaves it to the rest of us to cope with the problems and do the clearing up.

4 RP

I refer to the proposal to grant a Licence for the sale of ice cream and hot and cold food and drink in Cotham Gardens Park.

I am a near neighbour of the proposed site which I understand to be the circular tarmac area at the southern end of the Park. I know this area well, having been responsible for the provision of the curved seating.

I am not opposed in principle to a suitable concession but consider this should not allow hot food or drink, because of the smells that would be created and the additional litter that would be likely. I assume that sale of alcoholic drinks would be prohibited.

I assume that any Licence will require that the operator removes all litter in the vicinity before leaving.

I also ask that the running of diesel powered refrigeration plant in the Park should be prohibited for health and environmental damage reasons.

Other conditions should be imposed to ensure that damage is not caused to the Park, and in particular to the grass.

This would seem to require a pre-agreed route for a vehicle to the tarmac area. This should not allow the van to be driven over any grass areas. The precise route, presumably down the tarmac Lovers' Walk and turning into the short tarmac path into the circular area should be defined. If this requires a slight reduction of grass area with additional tarmac at the corners where the van turns off Lovers Walk this should be done in advance.

Any vehicular use in Park is inherently dangerous to the public, particularly children. Failure to keep to agreed conditions should imperil the Licence.

5 RP

We object to food and drink licensing within or adjacent to Cotham Gardens.

There would be health issues, including the promotion of unhealthy and unnecessary food and drink, particularly of sugars contributing to the increase in diabetes, sanitation issues, litter issues, toilets availability and vehicle pollution issues.

We have been enjoying Cotham Gardens with our children and grandchildren for 40 years and have never felt a need for any such outlets.

It would be detrimental to the peaceful character and appearance of one of Bristol's nicest open spaces.

6 RP

***** have the following comments on the proposed concession in Cotham Gardens. For the proposed concession, we ask that there is a condition that diesel generators are not to be used to keep ice-cream cold or hot drinks hot. Either this concession pitch needs to be supported by a new electric supply to be put in by BCC or the trader will need to find an alternative energy supply. This is an essential element of any park concession, air-quality should be a primary consideration in all cases. We have concerns about the proximity to Cotham Gardens School of the proposed pitch. However, the proposed Ice-cream concession will not significantly change the current provision of the on-street van which stops at the top of Lovers' Walk near the zebra crossing. We assume that this on-street pitch will no longer operate if a park pitch concession is granted. Please can you confirm this? If anything, it will be slightly better hidden from

primary school children leaving Cotham Gardens school in the proposed location, so will be easier for parents, who do not want to buy ice-cream, to avoid it. This park is heavily used by students from Cotham School in the afternoons after school and by 6th form students from Cotham School and Redland Green school who move between the two school sites along Lovers' Walk many times during the day. For this reason, we have grave concerns about the proposal to grant concessions for hot- food, and would oppose that element of the licence proposals. Easy access to fast food is not going to support the campaigns to tackle obesity in our young people. It is also likely to add to the litter problem along the Lovers' Walk and in Cotham Gardens from picnickers. In consultation on parks priorities carried out under Neighbourhood Partnership work some years ago, there were a good number of requests for a café serving tea and coffee in the park, so we feel that park users would support this element of the concession proposals. We are concerned about the concession vehicle's access route to the proposed pitch. It will need to cross grassed areas which will potentially damage them. It may be necessary to redesign the tarmac area to stop the van wearing away the corners when accessing the proposed pitch. We assume the proposed pitch location is suitable to bear the weight of whatever concession vehicle is used. We ask that this is considered. We have consulted the building owner close to the proposed pitch who has not raised any concerns about the pitch subject to the issue of diesel fumes from engines kept running being removed. In summary, we do not oppose ice-cream or hot drinks concession licences but do oppose hot food provision on this site.

7 Cllr Negus

I am writing to object to the proposals for licensing a hot and cold food concessionary van in this park.

It should be said that this is a small park that within recent memory has not had such a food retail unit, nor have I ever heard expressed the need for it.

It's location is closer to the nearby Cotham Gardens primary school than the agreed zone for such sales. I have been a counsellor for this ward for almost 10 years and have had to have moved an ice cream van parked in Cotham Grove that infringed this zone. Your proposal is to cut across this agreement and I was concerned that no conversations had been had with the relevant department that helped me resolve these issues and indeed this was seen as being something entirely new.

I am also concerned about the obvious problem with litter for although this is close to a primary school it is also on the main route home for many pupils from Cotham school, a secondary. The paper trail from this call is already fairly bad and the littering that will occur (however many additional litter bins (a further cost when BCC would not consider any further bins in Cotham Gardens previously) will be unsightly and make the park less attractive and so less used by certain groups of people. Food waste is particularly a problem.

There has been bad experience at Redland Green from having a parked van with no connection to electrical mains so that its diesel motor has to run to maintain refrigeration and other equipment. In the light of all of our other efforts about clean air particularly around where children are concerned this is regressive.

Finally the only sensible point of access from the road for the stated location is close to a bend in a busy road at the top of the slope by a zebra crossing. I am very concerned at the safety issues quite apart from vehicles tracking over paths and grassed areas for which they were not intended.

Please will you consider these concerns in making your assessment of the real value of this concession when balanced with all of the other aspirations that local people have their area, some of which may be shared by the Mayor and officers.

8 RP

I have been passed information regarding the consultation 18/03175/STCON. Cotham School has concerns that a concessions stand in Cotham Gardens with unspecified hot food may be an issue for the school. A number of the school's students pass the area both on the way to and on the way home from school as this is near to Redland Station. Cotham School is committed to being a healthy school, and a stand which is potentially selling unhealthy foods to students both on the way to and from school could cause students to choose the unhealthy option in preference to healthy school meals.

9 RP

On behalf of Cotham Gardens Primary school I would like to register our objection to the above proposition on the following basis: Health - Potential impact on our pupils health, based on the proposed vendors very close proximity to our school, and its proposed sale of fast food and ice cream. The school and our parents places a high importance on healthy eating, which is reflected in our Food for Life policy, We recently procured a school meals catering contract to fulfil this objective (after thorough consultation with our parents via a food group), and we believe that the proposed vendor will undermine this objective by selling unhealthy food so closely to the school, thus undermining our healthy eating themed Food for Life Policy.

10 RP

Hello, as a parent of a child at Cotham Garden Primary School over the road, I would like to add my voice to the concerns about the authorisation of a food van in the park opposite.

If the van is selling healthy homemade food and nice coffee then that would be an asset. If it is selling burgers and hot dogs then it will be a very bad thing to have so many children (from Cotham school and Cotham Gardens) targetted with junk food in this way.

Thank you for your consideration.

11 RP

I have just become aware of a proposal to have a food van in my local park. I do not want this in my local park. I believe it will increase litter, I already pick up litter every morning when I am walking my dog and I do not wish to see more in my park. Also I believe the van will be running a motor to enable it to offer hot food. This will disturb the tranquility of the open space. For these reasons, I am strongly against the proposal.

12 RP

I strongly oppose permitting a food van at the top of Cotham Gardens/Grove Road. There is no need for such provision in this small, inner city park. This will diminish the park, create smells, create litter and unnecessarily add to petrol/Diesel engine pollution in the area.

13 RP

Absurd. a rethink is necessary immediately. NOt what i expected from BCC.How has this slipped through?