

**BRISTOL CITY COUNCIL
PUBLIC SAFETY AND PROTECTION COMMITTEE
8 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. Monks Park Open Space, Biddestone 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. 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:

Monks Park Open Space, Biddestone Road

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

I've just been advised that there is an application in place for an ice cream/burger van to be sited adjacent to my home in Biddestone Road between the hours of 8 am and 7 pm. This has been via a notice board at the top of the park with no consultation to local residents who were already opposed to a play area and now this!! Exactly when were we to be informed?

I wish to register my strong objection to this application and would welcome a public meeting to discuss this further.

I shall be contacting Claire Hiscox the local councillor to take up the matter.

I would like confirmation that you have received this email and that my concern will be taken into account.

2 Cllr Hiscott

As the local councillor for Horfield I would like to raise an objection to the proposal to have a food and drink concession in Monks Park Open Space.

The park is very near to Orchard Secondary school and would become an obvious place for young students to purchase unhealthy food and drink on the way from and to school. It is also likely to increase the litter in the park.

Currently the park is very popular with the community and I have never in the last 5 years of being a councillor had a request for food or drink sales in the park.

There is no desire from residents for this proposal.

There is a huge risk that it would become a magnet for students and in no way encourages them to eat healthy food and may even encourage them to leave the school premises during the school day.

I see very little benefit in this proposal and ask that you would think again.

The occasional ice cream van of a weekend during the summer may be welcome, but any further than that it will be a very negative addition to the much loved green space.

3 RP

We live in Biddestone Road by Monks Park, and are not happy about the proposed food outlet. It's a lovely quiet family park and is not needed, we live by the fence and don't want litter and food smells. We have dog walkers and children in the play area , and no trouble whatsoever.

4 RP

Regarding the above ref (licence for hot/cold food and drinks and ice creams) I object to such application on the basis that Monks park is a small free space surrounded by homes . It is frequented by local residents To walk Dogs, children to play freely and families to enjoy the space away from vendors. I moved to the boundary of Monks park over 10 years ago after many months of Searching Bristol before finding my home. This area is generally peaceful and has a strong community feel. I am concerned that if this application is granted it would encourage anti social behaviour in the evenings as we have previously experienced prior to the dispersal order, for our homely, peaceful park. I would encourage you to visit our park to assist in any decision.

5 RP

A neighbour has made us aware of a proposal for a mobile food vendor to occupy the park in front of our houses. I object to this proposal. There are several reasons

for doing so, this is a built up area with houses surrounding the park if it is serving hot food then we have food smells and I'm guessing some kind of generator will power the vehicle creating further smells and fume pollution from a running engine. If it's an ice cream van then the same applies regarding fumes. The unit will also be entering the park I am assuming through locked gates, these gates are locked to prevent motorbikes etc from entering the park, which we have had numerous problems with in the past, kids racing around driving very dangerously whilst children are playing and people are walking. The gate would have to be secured immediately after the unit enters and leaves. If forgotten then this poses a problem. Littering is also a problem, this would create more, there are not enough bins. Will the council install extra litter bins - I very much doubt it. There are also no toilet facilities, and if people are drinking/eating they will use the bushes as toilets. This happens frequently at the weekends when families congregate for picnics. I have witnessed lots of adults peeing against the wall/bushes directly in front of my house. I hope common sense will prevail, and us residents don't have to put up with the disruption that this will cause.

6 RP

I have been made aware of an application for a food vending van for Monks Park Open Space And would like to object to this on the following points, Hours 7am until 8pm, 7 Days Per Week Totally anti-social hours at the Weekend, Light Pollution in the surrounding Area at night. The noise of a Mobile unit setting up at that time in a morning, And closing at night totally unacceptable This will also encourage Youth Gatherings, in what is a Child Friendly Playground area! Toilet facilities How will the Staff go all day with out the availability of Toilets Were will customer go to urinate, usually in the Tree Areas around the Park, Which is totally indecent behaviour with young children about Engine/ Generator Fumes and noise running all day and night. Litter is already a problem as not enough bins! Security is the gate remaining locked all day as we have had motorcycle problems with youths terrorising young families