

**BRISTOL CITY COUNCIL
PUBLIC SAFETY AND PROTECTION COMMITTEE
4 August 2020**

Report to consider an application for the Grant of Street Trading Consent at pitch PG22, Eastville Park car park (located by the rapid charging hub).

Applicant: Bristol City Council

Report of the Director of Growth and Regeneration

Purpose of Report

1. To consider an application for the grant of a street trading consent in principle at the following location:
 - a. Pitch PG22 – Eastville Park car park (located by the rapid charging hub).

Background

2. This application is made by the Bristol City Council Concessions Team.
3. The Concessions Team is, on behalf of the authority, responsible for issuing concessions to trade on Council land. These are premium locations whereby it is anticipated market value can be achieved by way of a concession process. This is 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 Concessions Team have submitted an “in principle”, or provisional application for the identified site to the Licensing Team, in order to

establish whether the site will be suitable for a concession site, and whether there are any issues with them. Concession sites are treated in exactly the same way as any other street trading application. This enables other teams within the council and members of the public to be consulted on the sites' suitability or raise other concerns.

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 at **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 this application.

Consultation Responses

10. Two 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 the below conditions be attached in addition to the standard conditions (see **Appendix C**) 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. A representative from the Concession Team will be in attendance to answer any questions or provide further detail where required.

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

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985
Background papers

Contact Officer: Carl Knights, Senior Licensing Officer

Ext: Telephone 01173 574 900

Appendices:

Appendix A Details of application and location map

Appendix B Representations

Appendix C Standard Conditions

Location and application details:

Pitch PG22 – Eastville Park car park (located by the rapid charging hub).

Type of vehicle permitted Van Trailer Cart 1.75m x 2.4m (approx.)

Outside of trading hours vehicle kept: Offsite

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

Maximum hours: Monday to Sunday 0700 – 2000.

Location Map:



Relevant Person 1

Dear Sir/Madam.

This email is in objection to the proposed kiosk in the car park area of Eastville Park. The site is not suitable for many reasons the main ones of which I will list below.

- Further to my phone conversations with your customer services team Mitch and Rees, in which I detailed problems with the proposed kiosk.
- Interruption of right to peace and quiet enjoyment of local historic green space.
- Further destroying the character of the historic park.
- Increasing the disruption to wildlife in the supposed wildlife corridor.
- Litter hazard.
- Lack of public toilets.
- Adding an eyesore to what was once a beautiful and tranquil vista.
- Food waste creating health hazards.
- Further encroachment of 'development' at the cost of nature.
- Further destruction of fragile ecosystems already endangered by climate breakdown.
- The park is served by a very small entrance road which is unsuitable for heavy traffic.
- The icecream van which has been serving the park for many years would be put under even more pressure to be viable.
- The footfall through the park does not warrant the addition of a kiosk. The ice cream van is quite sufficient for peoples requirements.

I live in _____ *[Redacted]*, so I can say with some authority that the 'use' of the electric car hub, has been less than minimal! I would also propose the very likely possibility that this situation will not change over time.

I do not think it advisable to add another ill proposed plan for the park, to those already made.

Yours faithfully,

Relevant Person 2

Dear Sir/Madam.

This email is in objection to the the proposed kiosk in the car park area of Eastville Park.

The site is not suitable for many reasons the main ones of which I will list below. The park is served by a very small entrance road which is unsuitable for heavy traffic.

The icecream van which has been serving the park for many years would be put under even more pressure to be viable.

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I do not think it advisable to add another ill proposed plan for the park, to those already made.

Yours faithfully,

**GENERAL CONDITIONS THAT WILL NORMALLY BE ATTACHED
TO STREET TRADING LICENCES**

1. The licence holder shall only trade on the days and between the times stated on the licence.
2. The licence holder shall only trade in the description of articles stated on the licence.
3. The licence holder shall not carry on business on any street so as to cause obstruction or cause danger to people using the street.
4. The licence holder shall not carry on business from any vehicle or erect or place any stall or other structure in any street except in the area mentioned in the licence.
5. The licence holder shall not sell, offer or expose for sale any goods or articles other than those described within the principle terms of this licence.
6. The licence holder shall on all occasions, when carrying on business, be strictly sober, and conduct him/herself in a proper, civil and courteous manner, and he/she shall not carry on his/her business in such a way as to cause annoyance to the occupier or person in charge of any shop, business, resident, or any person using the street.
7. The licence holder shall at all times conduct his/her business and position any vehicle used by him/her in connection with his/her business in such a manner that no danger is likely to arise to persons trading or intending to trade or to members of the public.
8. The licence holder shall at all times conduct his/her business in a clean and tidy manner.
9. The licence holder shall ensure that a copy of the licence is clearly visible to the public.
10. The licence holder shall not permit any person to assist him/her in his/her trading unless the details of that person have been supplied to the Licensing Authority. Any such person shall be issued with an identification badge by the Licensing Authority.
11. If, during the currency of any licence any material change occurs in the facts of which particulars and information were contained in, or

given along with, the application for the licence, the holder of the licence shall report such changes to the Licensing Authority within 72 hours of that change.

12. Any motor vehicle used for the purpose of street trading shall at all times be in a roadworthy condition and have the relevant documents i.e insurance, tax and MOT to make the use of that vehicle on a road legal. These documents will be produced by the licence holder to any police officer or authorised officer of the Council.

13. Neither the licence holder nor any assistant shall display merchandise which is likely to cause offence or distress to any other person or which would be deemed an offence under any other legislation.

14. A licence holder selling food shall at all times comply with any food hygiene regulations in force at that time, and when required by the Licensing Authority, shall produce appropriate food hygiene certificates.

15. The city council reserves the right to alter or amend these conditions at any time.

16. The subletting of any licence is prohibited.

17. The licence holder shall be responsible for the temporary storage of refuse, liquid and other material accumulated or created whilst trading and its subsequent removal from the site. The removal and disposal must be to the satisfaction of the council.

18. The licence holder shall not cause any nuisance or annoyance to persons using the street.

19. The licence holder, if intending to sell food from a stationery vehicle/stall shall operate from a purpose made vehicle/stall constructed and managed so as to comply with the relevant hygiene regulations currently in force within the provisions of the Food Safety Act 1990, and any subsequent changes to those regulations.

N.B This licence is issued without prejudice to any other statute, by-law or regulation. This licence does NOT over-ride any regulations regarding parking, food hygiene, obstruction, etc