

**BRISTOL CITY COUNCIL
PUBLIC SAFETY AND PROTECTION COMMITTEE
16 August 2016**

Report to consider an application for the Grant of Street Trading Consent(s) at Driveway To The Front Of 282 Fishponds Road, Eastville, Bristol, BS5 6PY

Applicant: Ashgar Ali

Report of the Service Manager – Regulatory Services

Purpose of Report

To determine an application for the grant of a Street Trading Consent at the following location: Driveway To The Front Of 282 Fishponds Road, Eastville, Bristol, BS5 6PY

Background

1. With effect from 1 May 2009 the above location is designated as a consent street 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.
2. The land is privately owned. The applicant resides at the address he intends to trade from.
3. General conditions which would normally be attached to a licence/consent if granted are at Appendix A.
4. A site location plan is attached at Appendix B.
5. On 28 May 2015 Mr Asghar Ali applied to sell the following goods:
Kebabs, Chicken, Pakoras, Samosas, Brownies, Flapjack, Cake, Cookies. Hot and Cold Drinks including Tea, Coffee, Hot Chocolate

During the hours of 0700 – 2200 Monday to Friday
 0800 – 2200 Saturday
 1200 – 2200 Sunday

Mr Ali has confirmed that he intends to trade from a 3m x 3m marquee. There is an existing consent in place at this location for reduced hours and goods in the name of Mr Akbar Ali.

There is no ability to vary an existing consent under the Act and therefore Mr Akbar Ali would have been required to submit a new application. Officers understand that this application is to replace the existing consent, and that Mr Akbar Ali and Mr Asghar Ali are both involved with the running of this family business, hence this application being made in Mr Asghar Ali's name.

Consultation

6. 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

Standard consultation was undertaken in respect of this application

Consultation Responses

7. The following responses have been received.

One representation was received from a relevant person in support of the application. Two representations were received which were unsigned. Representations were also received from the Food Safety Team and Planning Team. The representations are attached at Appendix C.

Officer Considerations

8. 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.

- i. If such a permission is included then the council may include conditions
 - (a) as to where the holder of the street trading consent may trade by virtue of the permission; and
 - (b) as to the times between which or periods for which he may so trade.
- j. A street trading consent may be granted for any period not exceeding 12 months but may be revoked at any time. The holder of a street trading consent may at any time surrender his consent to the council and it shall then cease to be valid.

9. The applicant has been provided with a copy of the report and has been invited to the meeting.

RECOMMENDED The committee is recommended to determine this application.

**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	General Conditions
Appendix B	Site location plan
Appendix C	Representations

STREET TRADING CONSENT - GENERAL CONDITIONS

1. The consent holder shall only trader on the days and between the times stated on the consent.
2. The consent holder shall only trade in the description of articles stated on the consent.
3. The consent holder shall not carry on business on any street so as to cause obstruction or cause danger to people using the street.
4. The consent 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 consent.
5. The consent holder shall not sell, offer or expose for sale any goods or articles other than those described within the principle terms of this consent.
6. The consent 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 consent 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.
8. The consent holder shall at all times conduct his/her business in a clean and tidy manner.
9. The consent holder shall ensure that a copy of the consent is clearly visible to the public.
10. The consent 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 consent any material change occurs in the facts of which particulars and information were contained in, or given along with, the application for the consent, the holder of the consent 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 consent holder to any police officer or authorised officer of the Council.

13. Neither the consent 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 consent 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 handling certificates.

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

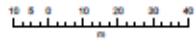
16. The subletting of any consent is prohibited.

17. The consent 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 consent holder shall not cause any nuisance or annoyance to persons using the street.

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



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Representations:

Rep 1 In Support

I think the street trading consent should be granted. This area surrounding the junction at Royate Hill and Fishponds Road, Queen Street and the Queen's Head pub is a bit of a mess at the moment, and I think any development in the area should be encouraged. If someone wishes to run a business from their then good luck to them.

Rep 2 Food Safety

Outlined below is the reason for our objection including any related evidence I have gathered.

I am concerned about the size of this proposed new operation. Especially in the context of the business being able to successfully comply with food hygiene and health and safety requirements. The hours of opening and size of operations are more suited to takeaway premises.

Suggested conditions that could be added to the licence to the objection and which you would like the Licensing Sub Committee to take into account. Please use separate sheets where necessary and refer to checklist

Standard Conditions for Food Safety & Health and Safety

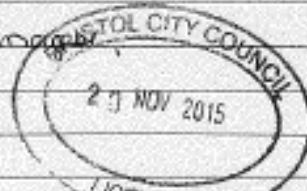
Rep 3 Planning

I can confirm that planning permission is required for this to operate these activities from the front of the residential site, no permission exists and it is unlikely to be granted.

As such we oppose the grant of the street trading consent due to issues of Public Nuisance.

Rep 4 Unsigned

Mr Jonathan Martin,
Licensing & Grading Standards Manager
Licensing Team (Temple Street),
Bristol City Council,
P.O. Box 3176
Bristol BS3 9FS.



17 November 2015

Dear Sir,

Re: Application Ref. Number 15/05360/SICON

As a long-standing resident of Queen Street my comments are as follows.

As we already have a fly-tipping / rubbish problem at the entrance to Queen Street I fail to see how a business dispensing food in cartons & containers in such close proximity to the entrance to Queen Street would serve to minimize the rubbish menace.

Recently the Council had to remove a pile of black bags some containing food which had been opened & the contents strewn across the pavement so that anybody entering Queen Street had to walk into the road to get past it.

-1-

-2-

We have had furniture as well as bags dumped there & although there are bins that the bags could go in people choose to leave them on the pavement. The bins are there for No. 3 & the building opposite.

I hope the above can be taken into consideration in assessing this application. However, should it be unsuccessful for reasons other than rubbish I prefer to remain the occupier.

Thank you.

Yours faithfully,

Resident of Queen Street.

17/1/2015

Dear Sir,

I am writing about the proposed application for a street trading license, for ALIX SWEETS DRIVEWAY FRONT OF 282 FISHPONDS RD BSS6PY.

It has no Driveway, just a small front garden. On the main Fishponds Rd which is very busy at all times. Also there are Double Yellow lines right in front. Also we are concerned about the rubbish, this may cause. Also the Drains here are Old Victorian and we do not know what will go down them, FAT, GREASE Etc.

Parking here is also a problem. my car has been vandalised twice. I also think that the cooking conditions in such a small house, would be very awkward. And once permission is granted they may seek to expand.

They have been trading for some months prior to this application.

