

**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 Mandeeg Trade Centre Car Park, St Gabriel's Road, Bristol, BS5 0RT

Applicant: Yassin Ali Abdi

Report of the Service Manager – Regulatory Services

Purpose of Report

1. To determine an application for the grant of a Street Trading Consent at the following location: Mandeeg Trade Centre Car Park, St Gabriel's Road, Bristol, BS5 0RT

Background

2. 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.
3. The land is privately owned. The applicant has provided a letter of authority from Mohamed Omer of Maandeeq Trade Centre confirming that Mr Abdi has permission to trade from that location.
4. General conditions which would normally be attached to a licence/consent if granted are at Appendix A.
5. A site location plan is attached at Appendix B.
6. On 25 February 2016 Mr Yassin Ali Abdi applied to sell the following goods:

Burgers, Chips, tea, coffee, soft drinks

During the hours of 0900 – 2200 Monday to Friday

Mr Abdi has confirmed that he intends to trade from a van but at the time of writing no further details have been provided, including colour photographs of the unit. Members may wish to enquire as to the exact vehicle to be used, including dimensions and photographs, to establish the suitability of the proposed unit and suitability of location in relation to the proposed unit.

Consultation

7. 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

8. The following responses have been received.

Two representations were received from relevant persons which are attached at Appendix C. No representations were received from any of the responsible authorities.

Officer Considerations

9. If members were minded to grant the application a number of documents are still outstanding which are:

1. Two colour photographs of the applicant
2. A basic criminal records disclosure in the name of the applicant
3. Three colour photographs of the trading unit illustrating different elevations of the unit.

Officers wrote to Mr Abdi on 9 May 2016 and again on 9 June 2016 to request these documents but as yet they have not been forthcoming.

Should the basic disclosure reveal any relevant unspent convictions the applicant may need to provide further information, or the application be referred back to committee prior to a consent being issued.

10. 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 a stationary 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.

11. 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

Representations

Representation 1:

To whom it may concern,

I have received a letter containing a proposal for a food van to be placed on St Gabriel's road to the back of where I live.

I am opposing this proposal, the van is of no benefit to the surrounding community, the site in which it would be based seems unfriendly and a rather 'closed community', from walking past everyday to get to work it seems like there are shops there but the people trading seem rather intimidating.

The van would not benefit me as a resident and as there are already so many fast food type chains on Stapleton road it seems so pointless having a van there.

Representation 2:

I am writing to comment on the application for a burger van to be located near my home. I object to this application as a local resident.

Since the creation of the trade market in St Gabriel Court we have seen a significant amount of lorries, traffic and pedestrian traffic to the rear of my home which backs onto St Gabriel Road.

I have the right to peaceful enjoyment of my home which is already disturbed daily by the frequent and increased flow of traffic, noise from deliveries, noise and shouting by customers and arguments due to road blocking.

There are already food establishments on the St Gabriel Court site and I object to the location of a burger van which will indeed cause further distress to the enjoyment of my home and garden from constant food smells that a burger van will inevitably generate. It's already somewhat of a market place. I do not wish to experience any further increased disturbance.

There is also frequent flytipping in the lane next to my property. Some of which is sometimes quite obviously from businesses in the trading estate. We have also experienced increased sightings of rats in and around the lane.

This is my objection. I do hope it will be considered reasonably in light of my concerns.