

**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 Hengrove Way, Bristol**

**Applicant: Gavin Harrison**

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: Hengrove Way, Bristol

**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 public highway and borders Hengrove Park.
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 7 January 2016 Mr Gavin Harrison applied to sell the following goods:
  1. Hot and Cold food and drinks, Sandwiches, Rolls, Wraps, French sticks etc. Full English breakfast includes: Bread in different forms and types, Chips, Hash browns, waffles, Bacon, Sausages, Eggs, Beans, Black pudding, Frankfurter sausages, Sausage rolls, Wraps, Jacket potatoes, Different Cheeses, Tuna, Ham and other cold

meats, Bolognese, Chilly con carne, Chicken, Chicken curry, Pasta and Rice, Chicken nuggets, Chicken Kiev, Scampi, fish fingers, Burgers of various varieties, Onion rings, Various Soups. Crisps, Chocolate bars, Cakes, Flapjacks, Churros, pancakes, Sweets. Various Teas, Various Coffee, Hot chocolate, Various cold cans and bottles, Water. Onion, Tomatoes including tinned, Sweetcorn, Peas, Mushrooms. Butter, Various Jams, Bovril, Marmite and Marmalade along with a full complement of sauces and flavourings, Tomato, Brown, Barbecue, Branston pickle, Yellow pickle, Hot sauces, Mayonnaise, (salt and pepper) salad crème to go with the Salad products: Lettuce/mixed leaves, cucumber, tomatoes, onion and coleslaw.

During the hours of 0630 – 1700 Monday to Friday

Mr Harrison has confirmed that he intends to trade from a purpose built catering trailer, size approx 10x6ft. Photographs of the proposed unit are attached at Appendix C

## **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.

A representation was received from the Highways Team, which is attached at Appendix C

## **Officer Considerations**

8. If members were minded to grant the application the following documents are still outstanding which are:

1. A basic criminal records disclosure in the name of the applicant

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.

9. Additionally another application has been received for this site for similar hours of operation which members will have already heard. Officers would recommend determination of both applications after this one is heard.

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 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.

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 both applications for this site.**

**LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985  
Background papers**

**Contact Officer:** Ms A Holman, Senior Licensing Officer

**Ext:** Telephone 01173 574 900

Appendices:

<b>Appendix A</b>	General Conditions
<b>Appendix B</b>	Site location plan
<b>Appendix C</b>	Photos of the unit
<b>Appendix D</b>	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.

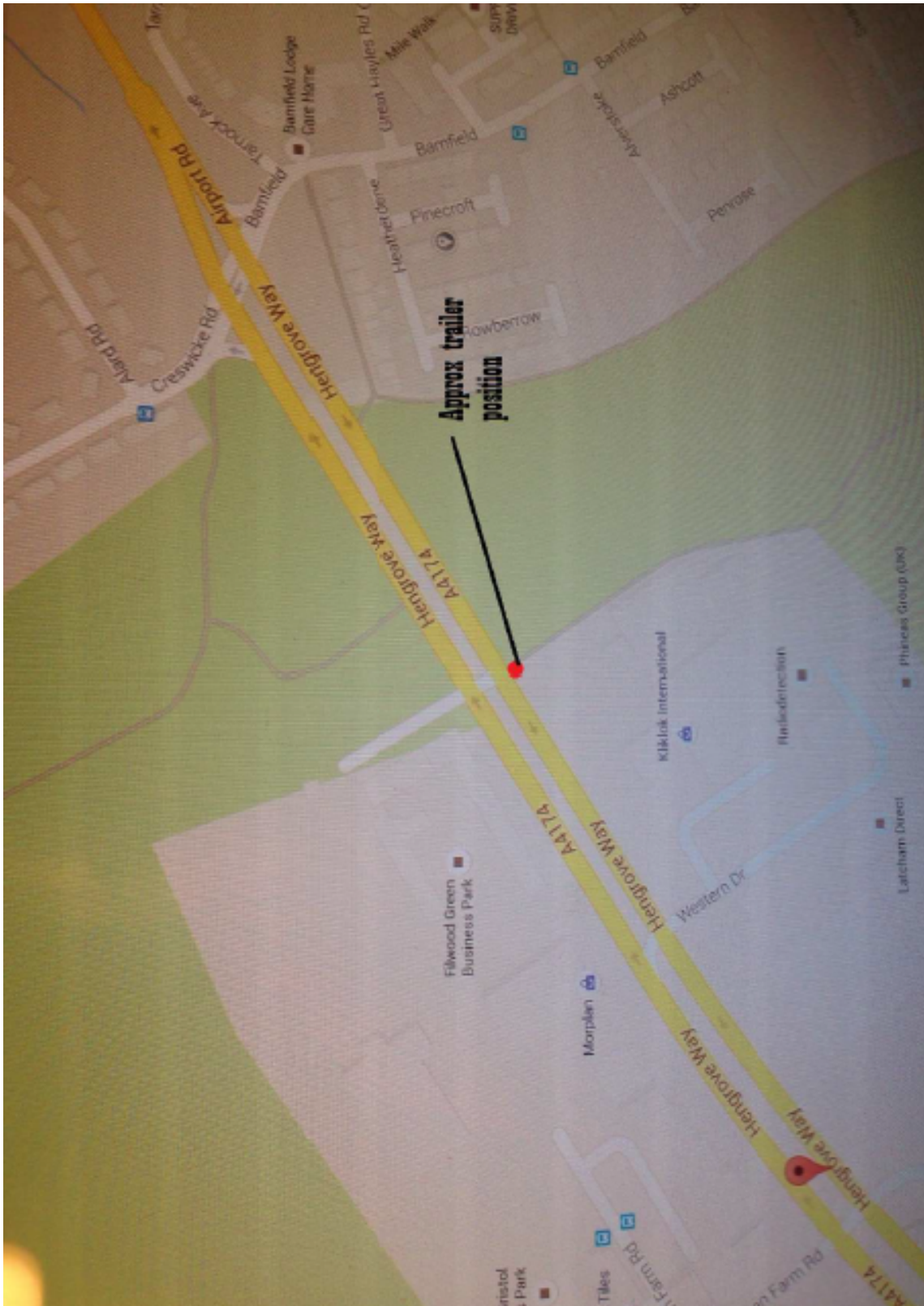
16. The subletting of any consent is prohibited.

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 – Highways Team:

Is there still a trader on the RHS (see attached Street View image) of the access road to Hengrove Park? The proposed site on the LHS may be a problem, as there will not be enough space at the end of the footway by the fence, or the dropped kerb access might get blocked.

To confirm. The site shown on the LHS of your picture is unsuitable in that any mobile food unit would block the pedestrian route from the dropped kerbing and obscure driver sight line of oncoming traffic from vehicles pulling out of the parks access road on to the busy Hengrove Way. If any trader has been operating at the LHS site, no complaints from the public have been received. However, this does not mean that the site is suitable and we must all be mindful of the road safety issues.

The site (Parks land) on the RHS is suitable, providing that the footway is kept clear.