

BRISTOL CITY COUNCIL
PUBLIC SAFETY AND PROTECTION COMMITTEE
18 October 2016

Report to consider an application for the renewal of Street Trading Consent at Avonmouth Way Near Junction with Lescren Way

Consent Holder: Glenroy Campbell

Report of the Service Manager – Regulatory Services

Purpose of Report

1. To determine an application for the renewal of a Street Trading Consent at the following location: Avonmouth Way Near Junction with Lescren Way

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. General conditions which are attached to Mr Campbell's consent are at Appendix A.
4. Mr Glenroy Campbell has held a street trading consent at this location since 30 June 2015. It allows him to sell the following goods:

Caribbean Style Food

During the hours of 0600 – 1900 Monday to Saturday

5. A site location plan marking the location of Mr Campbell's consent is attached at Appendix B.
6. Mr Campbell's current consent expired on 30 September 2016. An application for renewal of the consent was received on 28 September 2016 and accompanied by the relevant fee. A copy of

the application for renewal is attached at Appendix C.

7. On 12 October 2015 the licensing authority received a complaint in relation to a food van in the area being parked very close to the junction, and potentially blocking line of sight for vehicles using the junction. Upon investigating officers determined that it was Mr Campbell's unit which was referenced.
8. Mr Campbell was subsequently advised that his van should be positioned so as not to cause issues with line of sight. He was instructed to make sure the van was in the correct location as per his consent.
9. Further complaints were received by the licensing authority and a site visit undertaken by enforcement officers. The van was not present at the time of the visit.
10. More complaints were received by the licensing authority which stated that the unit was now being parked on a grass verge at the junction. Enforcement officers conducted another site visit to establish the situation. A number of vehicles were parked on the road where Mr Campbell would normally park his vehicle and he was not able to park there. He had parked on the grass verge instead.
11. Officers informed Mr Campbell that he should trade from the correct location, and if he continued to trade from the location further enforcement action may be taken. He was also advised that he did not have permission of the landowner to trade on the grass verge. Photographs were taken of the unit in situ on the day of the visit, 4 March 2016, and one is attached at Appendix D.
12. Again further complaints were received following this enforcement visit, and pictures provided by the complainants. These are attached at Appendix E.
13. The grass verge is owned by Bristol City Council and managed by the council's Estates Team. It is subject of a long term lease to a private company which conveys rights regarding management of the location to them. Since the complaints have been received the leaseholders have placed boulders around the edge of the site to prevent vehicle access to that area, at a considerable cost.
14. Complaints have also been received that Mr Campbell has been trading without the benefit of a street trading consent at a location on Ridingleaze, Lawrence Weston. Officers spoke with

Mr Campbell regarding this issue and he was advised that he could be reported for trading without a consent and prosecuted under the Local Government (Miscellaneous Provisions) Act 1982. Despite this complaints continue to be received alleging Mr Campbell is trading at this location.

15. On 24 August 2016 Mr Campbell was sent a letter by the licensing authority setting out the position in respect of trading at both Avonmouth Way, and Ridingleaze. Complaints continue to be received that Mr Campbell continues to trade without a consent at the Ridingleaze location and officers are continuing to investigate this issue. A copy of the letter is attached at Appendix F.

Officer Considerations

16. 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
 - (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.
 - b. 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.
17. Due to Mr Campbell's persistent failure to adhere to the requirements of his consent at Avonmouth Way near the junction of Lescren Way, and the consistent allegations of illegal trading at the Ridingleaze location officers feel that further conditions would not be effective in dealing with this

issue, and would recommend refusal of the application to renew the consent.

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

RECOMMENDED **The committee is recommended to refuse to renew 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	Application for renewal
Appendix D	Photograph – 4 March 2016
Appendix E	Photograph from complainant – May 2016
Appendix F	Letter sent to consent holder – 24 August 2016

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.

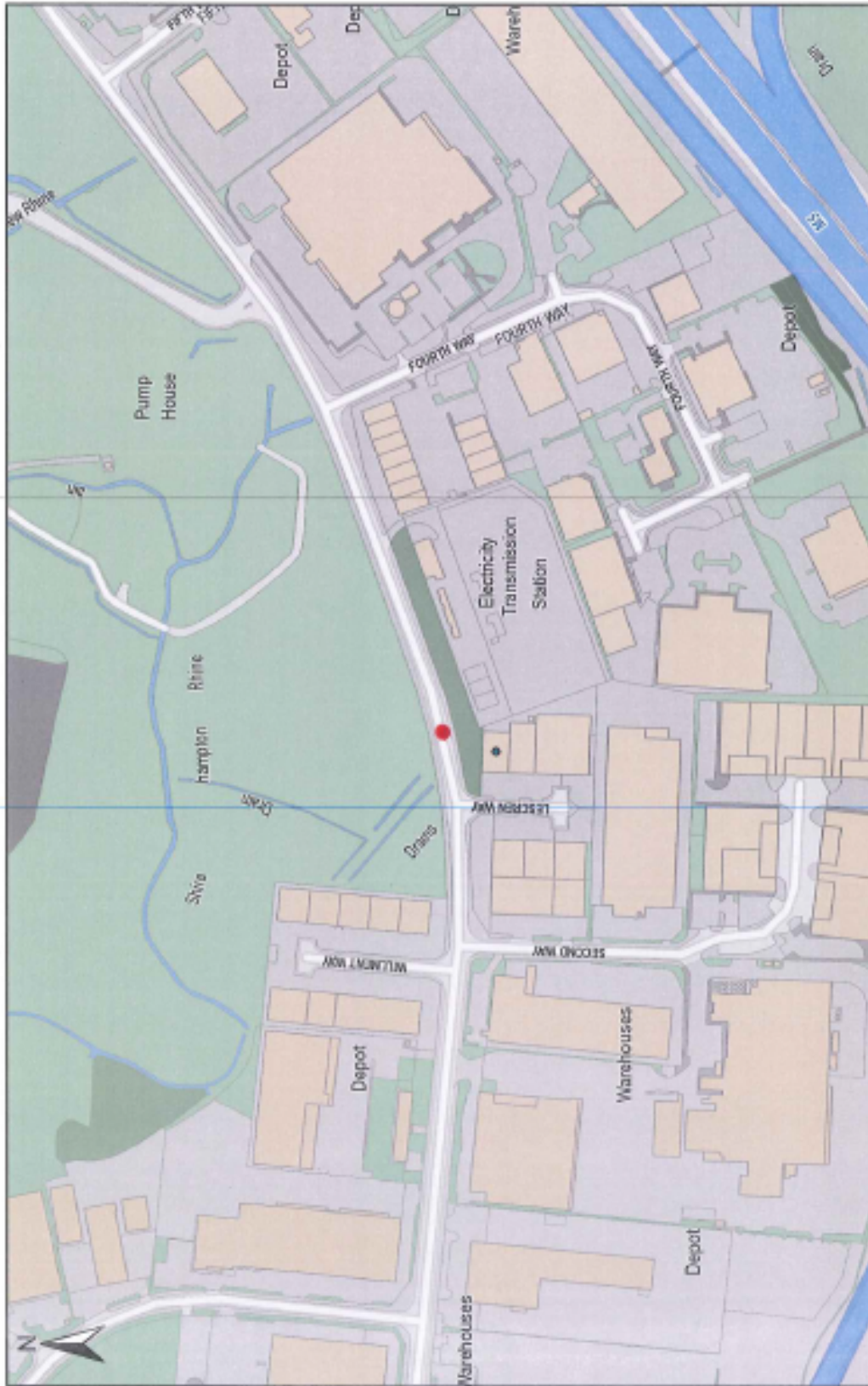
18. The consent holder shall not cause any nuisance or annoyance to persons using the street.

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

Caribbean Jerk Avonmouth Way near Avonmouth Way

Document created on Friday 1st May 2016 at 15:06

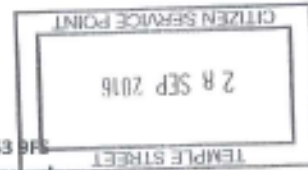


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Bristol City Council
Licensing Team (Temple Street), PO Box 3176, Bristol BS3 9PF
www.bristol.gov.uk/licensing Email: licensing@bristol.gov.uk
Tel: 0117 3574900



APPLICATION FOR THE RENEWAL OF STREET TRADING CONSENT

Holder : Mr Glenroy Campbell

Address of Consent Holder:
1 Harmer Close
Henbury
Bristol
BS10 7NZ

Reference Number: 16/02813/STCON

Authorised to trade from:
Caribbean Jerk, Avonmouth Way Near Junction With Lescren Way, Avonmouth, Bristol

Authorised to sell the following goods:
Caribbean Style Food

Monday to Saturday
06:00 - 19:00

If you intend to trade on specific days please indicate the dates of these below.

Monday - Saturday 6-11

Please sign and date below to confirm that the above details are correct

Signature of consent holder G. Campbell

Mr Glenroy Campbell

Email address SKINNALEXUS@HOTMAIL.COM

Date 28/9/2016

Bristol City Council
100 Temple Street
Bristol
RECEIVED DIRECTOR OF BUSINESS
CHANGE BRISTOL CITY COUNCIL
Special Duty
Account Breakdown
Date 28/09/16 09:10:07
Reference 66307
Transaction ID 11749
Credit/Debit 6571.00
28/09/16 09:10:07 T10-80008







Mr Glenroy Campbell
1 Harmer Close
Henbury
Bristol
BS10 7NZ

CONTACT: Licensing Team
TELEPHONE: 0117 3574900
DATE: 24 August 2016
E MAIL: licensing@bristol.gov.uk

Dear Mr Campbell,

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982
STREET TRADING CONSENT – REF: 16/02813/STCON
RE: Caribbean Jerk, Avonmouth Way Near Junction With Lescren Way,
Avonmouth, Bristol

I write to you regarding the above street trading consent which expires on 30th September 2016.

For some considerable time now the Council Licensing Department has received numerous complaints that you have persistently failed to site your vehicle in the correct position as agreed when your street trading consent was originally granted.

Your vehicle should be sited in Avonmouth Way on the highway prior to the junction with Lescren Way, Avonmouth, Bristol.

The consent does not permit you to park and set up on the grass verge prior to or at the junction of Avonmouth Way and Lescren Way.

To make this point absolutely clear, I enclose a copy of the plan, previously sent to you, which forms part of the street trading consent granted to you.

The plan clearly defines the location allocated for your vehicle with a red dot.

If you continue to trade from a location other than that defined on the enclosed plan, Bristol City Council may consider taking action against you and also any application to renew your current consent may be referred to committee for determination.

RidingLeaze, Lawrence Weston

The Council has also received numerous complaints over the past months that you have also been regularly trading illegally from your vehicle registration number T377 JKW in RidingLeaze, Lawrence Weston, Bristol.

This is despite the fact that officers of the Council have spoken with you regarding this issue.

You are advised that if you persist in trading at this location you will be reported for

Licensing Team (Temple Street) Bristol City Council, PO Box 3176, Bristol BS3 9FS	Jonathan Martin Licensing & Trading Standards Manager	Website www.bristol.gov.uk
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trading without a consent and prosecuted under the Local Government
(Miscellaneous Provisions) Act 1982.

This letter will be retained on file and may be cited in any future prosecution.

Yours faithfully

Ms Emma Lake
Licensing Team Leader

Enc.

Licensing Team (Temple Street)
Bristol City Council, PO Box 3176,
Bristol BS3 9FS

Jonathan Martin
Licensing & Trading Standards
Manager

Website
www.bristol.gov.uk