

North Somerset Council

REPORT TO THE LICENSING SUB-COMMITTEE

DATE OF MEETING: MONDAY 2ND JULY 2018

**SUBJECT OF REPORT: GRANT OF A STREET TRADING CONSENT TO
FAY FRANCIS POWELL T/A GINGER & RHUBARB**

TOWN OR PARISH: CENTRAL WESTON SUPER MARE

**OFFICER/MEMBER PRESENTING: DIRECTOR OF DEVELOPMENT AND
ENVIRONMENT**

KEY DECISION: NO

RECOMMENDATIONS

That the Licensing Sub-Committee considers and determines the application made by Mrs Fay Francis Powell for a Street Trading Consent in the district of North Somerset.

1. SUMMARY OF REPORT

1.1.1 An application for the grant of a Street Trading Consent has been received from Mrs Fay Francis Powell trading as Ginger and Rhubarb. The application made is for the sale of speciality coffee, fine tea, soft drinks, homemade cakes and healthy snacks. Consultations have been carried out and objections against the grant of the consent have been raised by 29 local residents, the Ward Councillor for Central Weston Super Mare, The Carlton Centre and Walliscote School. Objections received relate to road safety, litter accumulation, obstruction of the pavement, visual appearance and the need for an additional food/drink outlet.

2. POLICY

- 2.1 On 1 April 2008 the full Council adopted a revised district wide Street Trading Scheme for the North Somerset area. The revised scheme became operative on the 4 June 2008. The application made falls within the Council's street trading scheme.
- 2.2 At the same meeting the Council adopted guidelines for the administration of the Street Trading scheme. A copy of the Guidelines is available to the Committee and has been given to the applicant.

3. DETAILS

- 3.1 An application has been received from Mrs Fay Francis Powell to carry out street trading within the Council's area on the pavement/hardstanding adjacent to Carlton Street Car park, Carlton Street, Weston Super Mare. A copy of the application made is shown at *Appendix 1*.

3.2 The street trading activity being proposed is the sale of speciality coffee, fine tea, soft drinks, homemade cake and healthy snacks on the following days and times;

	MON.	TUES.	WED.	THURS.	FRI.	SAT.	SUN.
FROM	--	08:00 hrs	08:00 hrs	08:00 hrs	08:00 hrs	09:00 hrs	09:00 hrs
TO	--	14:30 hrs	14:30 hrs	14:30 hrs	14:30 hrs	16:00 hrs	16:00 hrs

3.3 Photographs of the site subject to the application are shown at **Appendix 2**.

3.4 There are commercial and residential properties, and a primary school situated within 100 metres of the proposed site and these are shown on the map at **Appendix 3**.

3.5 This is a new application and a Street Trading Consent has not previously been granted at this site.

4. CONSULTATION

4.1 Officers have followed the consultation process as outlined in the agreed Street Trading Guidelines. The following responses have been received:

Consultee	Response
Avon and Somerset Constabulary	No adverse comment
Avon Fire and Rescue Service	No adverse comment
Ward Member(s)	Concerns for road safety, visual appearance and the requirement for additional vendors
Highways	No adverse comment
Weston Town Council	No adverse comment
Planning	No adverse comment
Food, Health and Safety Team	No adverse comment
Environmental Protection Team	No adverse comment

4.2 A notice has been displayed at the site for 28 days from the date when the application was made. Property occupiers within the immediate vicinity of the proposed street trading site have also been consulted. Three written objections, one of which has 28 additional signatures, have been received. Copies of these can be found at **Appendix 4**.

The principle objections made are as follows:

- Road Safety
- The need for additional refreshment outlets in the area
- Litter
- Visual appearance
- Obstruction of pavement

5. FINANCIAL IMPLICATIONS

5.1 None.

6. EQUALITY IMPLICATIONS

6.1 None.

7. CORPORATE IMPLICATIONS

- 7.1 Under the provisions of the Local Government (Miscellaneous Provisions) Act 1982 the Council may grant a Street Trading Consent if they think fit. When granting a Consent the Council may attach such conditions to it as they consider reasonably necessary, including those to prevent obstruction or danger or nuisance or annoyance.
- 7.2 There are no legal rights of appeal against the Licensing Sub-Committee's decision to refuse to grant a Street Trading Consent. Judicial Review on procedural issues in dealing with the application is though possible.
- 7.3 The provisions of the Human Rights Act 1998 apply to the process of granting Street Trading Consents.

8. OPTIONS CONSIDERED

- 8.1 The following options are available to the Licensing Sub-Committee with regard to the application that has been made:
1. Grant the application as applied for.
 2. Grant the application as applied for but with modifications to the terms sought.
 3. Refuse the application.
- 8.2 Should the application be granted the standard street trading conditions are recommended to be attached to the Consent granted.

AUTHOR

Amanda Hodge, Licensing Officer

Tel: 01934 426 800

BACKGROUND PAPERS

The relevant background papers are attached as appendices.

(E453 (red) ST078
Chap)



LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

APPENDIX 1

APPLICATION FOR THE GRANT OR RENEWAL OF A STREET TRADING PERMISSION

PLEASE COMPLETE THIS FORM IN BLOCK CAPITALS AND IN BLACK INK

Type of Permission: Trading Consent Trading Licence

I, Fay Powell _____

Address: Flat 3, Overdale Mansions, 17 Montpelier, Weston-super-Mare, Somerset, BS232RJ. _____

Telephone Number: 07852143955 _____

Email Address: Ginger_Rhubarb@outlook.com _____

Trading as: Ginger and Rhubarb _____

HEREBY APPLY FOR THE GRANT/RENEWAL of a Street Trading Consent/Licence in accordance with the following particulars:

The Street/Location I/We wish to trade is: Hardstanding area, Carlton Street Weston-super-Mare, adjacent to the Carlton Street car park. (Please see illustrations attached)

I/We wish to trade as detailed below

	MON.	TUES.	WED.	THURS.	FRI.	SAT.	SUN.
FROM	////////	0800	0800	0800	0800	0900	0900
TO	////////	1430	1430	1430	1430	1600	1600

Date or dates Consent/Licence is sought: At the earliest opportunity, once the application has been considered. _____

The articles I/We wish to trade in are: Speciality coffee, fine tea, other soft drinks, homemade cakes and healthy snacks _____

Please detail toilet facilities for persons working on a static site:

Public toilet in Town Hall, Weston-super-Mare

Will the Consent Holder be present when street trading takes place? Yes No

If no, name of the person who will be present and responsible for the unit/stall:

If not present the responsible person will be Mr Colin Powell _____

APPENDIX 1

I/We will be trading from a:

Van Trailer Cart Barrow

Other (describe): Converted 1983 Rice Beaufort horsebox. _____

Dimensions: External dimensions height 2.72m, width 2.18 m, length 4.44m _____

Colour Landrover marine blue _____

Will you have tables and chairs on the site? Yes No

If yes, Number of Tables: _____ Number of Chairs: _____

Will you be trading on private land? Yes No

If yes, name and address of landowner: _____

Do you hold, or have you previously held, or been refused, a Street Trading Consent or Licence with this or any other Council? If yes, please give details

No _____

I declare that I am NOT under the age of 17 years

Date of Birth(s) 09/05/1984 _____

I declare that the information given in this application is true.

Signature of applicants F F Powell _____

Date Monday 21 May 2018 _____

Please return this form to: Data Protection Act 1998

North Somerset Council
Licensing Team
Town Hall
Walliscote Grove Road
Weston-super-Mare
BS23 1UJ

The personal data you provide on this form will be used by North Somerset Council to administer your licence. In order to protect public safety, this may include the use of sensitive personal data (criminal offences) to help assess whether you are a fit and proper person to hold a licence.

We may occasionally share your personal data with other Council departments and with other bodies (notably Housing Benefits, the Police, Inland Revenue) for the purposes of protecting public money, preventing and detecting crime and/or fraud and ensuring public safety. Such sharing will only occur on a case-by-case basis where a justifiable purpose in line with legislation has been demonstrated. The information may also be used for internal training.



APPLICATION FOR THE GRANT OR RENEWAL OF A STREET TRADING PERMISSION

PLEASE COMPLETE THIS FORM IN BLOCK CAPITALS AND IN BLACK INK

Type of Permission: Trading Consent [checked] Trading Licence []

I, Fay Powell

Address: Flat 3, Overdale Mansions, 17 Montpelier, Weston-super-Mare, Somerset, BS232RJ.

Telephone Number: 07852143955

Email Address: Ginger_Rhubarb@outlook.com

Trading as: Ginger and Rhubarb

HEREBY APPLY FOR THE GRANT/RENEWAL of a Street Trading Consent/Licence in accordance with the following particulars:

The Street/Location I/We wish to trade is: Hardstanding area, Carlton Street Weston-super-Mare, adjacent to the Carlton Street car park. (Please see illustrations attached)

I/We wish to trade as detailed below

Table with 8 columns: MON., TUES., WED., THURS., FRI., SAT., SUN. and rows FROM, TO with trading times.

Date or dates Consent/Licence is sought: At the earliest opportunity, once the application has been considered.

The articles I/We wish to trade in are: Speciality coffee, fine tea, other soft drinks, homemade cakes and healthy snacks

Please detail toilet facilities for persons working on a static site:

Public toilet in Town Hall, Weston-super-Mare

Will the Consent Holder be present when street trading takes place? Yes [checked] No []

If no, name of the person who will be present and responsible for the unit/stall:

If not present the responsible person will be Mr Colin Powell

Sums Insured Property Schedule

Address of property to be Insured:

Flat 3, Overdale Mansions, 17 Montpellier, WESTON-SUPER-MARE, Somerset, BS23 2RJ

Business Description:

Outside Caterers

Material Damage

Business Equipment:	£0
Theft cover of Business Equipment from unattended motor vehicle or trailer:	No
Section 1 - Money:	£500
Section 2 - Stock in Trade:	£500
Section 3 - Business Interruption:	£0
Section 4 - Stock Deterioration following Refrigeration Breakdown:	£0
Theft cover of Stock from unattended motor vehicle or trailer:	No
Excess:	£100

Liability

Section A - Employers Liability:	£10,000,000
Section B - Public Liability:	£10,000,000
Section C - Products Liability:	£10,000,000
Excess	
Public/Products liability	£250

Special Conditions:

None

Interested Party:

None

IMPORTANT NOTICE - Please check this policy very carefully

This insurance is subject to the information detailed in this document. The Insured should carefully review the contents of the Certificate (including its attached schedule, endorsements and proposal / statement of facts). If any of the information set out therein is incorrect, the insured must notify the Commercial Express or the insurer. Failure to do so may invalidate the insurance provided.

Catering Trailer Certificate

It is essential that you make fair presentation of the risk that should include a full and unrestricted disclosure including every material fact and circumstance (a material fact or circumstance is material if it would influence the judgement of the Underwriter when considering whether to accept the risk and/or the assessment of the terms, conditions or premium which should be applied).

If you are unsure in any way that your disclosure is complete you should check with your insurance advisor.

In the event you fail to make a full unrestricted disclosure Underwriters may refuse to pay your claim, pay only part of your claim, and/or void your policy.

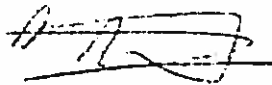
This statement will be considered together with the presentation of risk that you and your insurance advisor have provided to the Underwriter.

If the answers or information you have provided change during the period of insurance you should notify your insurance advisor as soon as reasonably possible as Underwriters may be unable to continue with cover.

SCHEDULE

Agent: Cateringinsurance.co.uk
Agent Reference: cp
Quotation Number: CICO/00981256/2016
Certificate Number: CEQ952942/12/16
The Insured: Fay Powell
Correspondence Address: Flat 3 Overdale Mansions, 17 Montpellier
WESTON-SUPER-MARE
BS23 2RJ
Product: Catering Trailer
Period of Insurance: Commencing 00:00:00 on the 19/12/2017 to 23:59:00 on the 18/12/2018
Sums Insured: As per attached schedule
Excesses: As per certificate wording unless otherwise stated
Premium: £ 627.58
Legal Expenses Premium: £ 0.00
I.P.T: £ 75.31
Fee: £ 25.00
Total Premium: £ 727.89
Date proposal completed: 13/12/2017
Special condition(s): As per attached schedule

Authorised Signatory



Signed in Dudley, West Midlands for and on behalf
of those Underwriters subscribing to this certificate

Dated this 13/12/2017

IMPORTANT NOTICE - Please check this Policy very carefully

The Insurers

For insurer details please refer to the policy wording





APPENDIX 2



APPENDIX 4

Amanda Hodge

From: Mike Bell (Councillor)
Sent: 15 June 2018 13:26
To: Amanda Hodge
Subject: Re: Street Trading Application for Ginger & Rhubarb, Carlton Street Carpark, WSM

Thank you for the details of this street trading application for adjacent to Carlton Street car park.

I wish to object to the proposed application on the basis of the following:

- there are numerous similar outlets already within close proximity to the site serving similar products, e.g. in Dolphin Square, Oxford Street, The Centre and on Princess Royal Square. There are also several empty permanent units in close proximity that could be occupied by this type of outlet.

- I am concerned that pedestrian and road safety will be impacted by the location of this outlet at the entrance to the Carlton Street car park. This is an area with significant pedestrian and vehicular traffic which could be negatively impacted by the proposed street trade.

- I do not believe that the visual appearance of the unit compliments the town centre street scene, particular close to the new Dolphin Square centre.

Best wishes

Mike

—

Councillor Mike Bell
North Somerset Councillor for Weston-super-Mare Central Ward Leader, North Somerset Council
Liberal Democrat Group

Tel: 07765 902348
Email: mike.bell@n-somerset.gov.uk
Web: www.westonfocus.org.uk
Twitter: @ldmikebell
Facebook: www.facebook.com/cllrmikebell

From: Amanda Hodge
Sent: 22 May 2018 15:30
To: Andy Manhire; andrew.jones@avonandsomerset.police.uk; Richard Bobruk; Julie Smith; Richard Nightingale (Councillor); Mike Bell (Councillor); Food and Safety Team Mailbox; Rob Thomson; Beverley Tucker
Subject: Street Trading Application for Ginger & Rhubarb, Carlton Street Carpark, WSM

Please find attached notice of intention for a street trading application. The application is for the hardstanding next to Carlton Street Carpark, Carlton Street, Weston Super Mare. Please let me know your observations at your earliest convenience.

Kind Regards



Avon and Wiltshire
Mental Health Partnership NHS Trust

NHS

342152

Sioux Isherwood
Principal Environmental Protection &
Licensing Officer
North Somerset Council
Licensing Team
Town Hall
Walliscote Grove Road
Weston-super-Mare BS23 1UJ

The Carlton Centre

Carlton Street
Weston super Mare
North Somerset
BS23 1UA

Tel: 01934 426442

Txt: 07919 305769

Fax: 01934 429943

e-mail: carlton.centre@n-somerset.gov.uk

13 June 2018

Your reference: C&CS/LSC09/052749

Dear Ms Isherwood

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

APPLICATION FOR A STREET TRADING CONSENT

NAMES OF APPLICANT: Ginger & Rhubarb

PROPOSED SITE: Carlton Street, Weston-Super-Mare

We are in receipt of your letter of 22nd May 2018 informing us that a Notice of Intention has been applied for a Street Trading Consent.

We have concerns about this application in that where the horsebox selling tea and coffee intends to be located is adjacent to the side of our building. The Carlton Centre is a council owned building and we provide an education and recovery service for complex mental health service users. The building is a listed building and we have had our own applications for changes declined in the past due to this. One recent application for an additional sign on our wall was declined. Fay Powell has already been through the Planning Department to gain access through our wall into our electricity supply. This was not successful and declined due to being a listed building.

Our objections to this application are as follows:

1. How will the equipment be power given that she cannot have access to our electricity? If a generator is being used, that's likely to be noisy and will create exhaust fumes, which is particularly bad being located next to the school kitchen which is next to our building and gets access through our gates. The school kitchen staff walk their food trolleys across our car park every day to gain entrance through to the school playground with the children's lunches.
2. That area where this is to be located is a footpath to and from the carpark. In the mornings and afternoons the school children's parents are given permission to park in the carpark while they pick up and drop off their children. There are numerous amounts of parents with pushchairs/prams, families of small children and also disabled scooters and wheelchairs accessing this area. With this horsebox parked on the footpath this could potentially become a hazard for these people. Also if people start to congregate around that area, getting in and out of the multi-story carpark and also our own carpark will make pulling out on to Carlton Street very difficult and dangerous.

Chair
Charlotte Hitchings

Central Office
Jenner House
Langley Park, Chippenham, SN15 1GG

Chief Executive
Dr Hayley Richards

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3. There is one waste bin in that area. Will she be providing her own waste bins? The Carlton Centre have two large recycling and waste bins just inside the entrance and the school kitchen also have their food waste bins there. At one point we had to start locking these bins as members of the public were throwing their waste in our bins. For anything extra in the bins we have a charge put on us from the waste disposal service.
4. We have a vending machine in the Carlton Centre for coffee, tea, soups etc. Our service users use this machine for their breaks and lunches. This is a source of income to us which gets paid into our council cost code account. The location of this horsebox is likely to have an impact on us and as a result we could lose income. We are in the first year of a five year contract with the vending machine owners so that could be four years of loss. This is also surely going to have an impact on the businesses in the new Dolphin Square area, which is only just up and running. As people park their cars the horsebox is the first coffee stall they will come across when leaving the car park. Therefore, it's unlikely that people will want to stop again and have coffee in one of the new café restaurants. These businesses are needed for local employment and regeneration of the area, which is something we thought the council was focussing on. It's in our Knowledge Newsletter nearly every week.
5. Is this person applying for the application a council employee? If so, does this create a conflict of interest?

We would appreciate it if you could take our comments into consideration when deciding on this application.

Many thanks

With best wishes

The Carlton Centre Team
Carlton Centre
Carlton Street

Managers: Paul Davis and Davina Thorne

Amanda Hodge

From: LICENSING
Sent: 04 June 2018 10:35
To: Amanda Hodge
Subject: FW: Application for a street trading consent

Caz Horton
Licensing Officer
Development & Environment
North Somerset Council

Tel: 01934 426800
E-Mail: Caz.Horton@n-somerset.gov.uk
Post: Town Hall, Walliscote Grove Road, Weston-super-Mare, BS23 1UJ
Web: www.n-somerset.gov.uk

Are you a North Somerset business? Help us make it easier for you to comply with regulation – answer our survey now: <https://goo.gl/yD688N>

From: Elaine Insley
Sent: Friday, June 01, 2018 3:36 PM
To: LICENSING <licensing@n-somerset.gov.uk>
Cc: Paul Davis - Carlton Centre <Paul.Davis@n-somerset.gov.uk>; davinathome@nhs.net
Subject: Application for a street trading consent

Dear Licensing Team

In response to your letter of 22nd May 2018, I have attached a letter outlining our objections and comments to the proposed application for a Street Trading Consent for Ginger & Rhubarb.

These objections have come from a team discussion and not from one member of the team.



Horsebox
objection.doc

Many thanks

Best wishes

Elaine

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Walliscote Primary School
Walliscote Road
Weston super Mare
North Somerset
BS23 1UY

Tel: 01934 621954

Fax: 01934 623612

Headteacher – Gail Matter

office@walliscote.extendlearning.org

<http://www.walliscote.n.somerset.sch.uk/>

twitter @walliscoteps

facebook @Walliscoteprimaryschool

Together, at Walliscote Primary School, we challenge children to be high achieving learners, inspired by a creative, aspirational curriculum in an inclusive, safe and caring community.

Dear Sir or Madam,

5th June 2018

RE: Application for street trading consent by Ginger & Rhubarb, Carlton Street, W-s-M

Thank you for consulting with us regarding this application. We have concerns about this application as it may affect the safety of our children getting to and from school. Many of our parents park in the Carlton Street car park and then walk their children along the pavement in to the side entrance to the school which is located just next to the Carlton street entrance. Our concerns are that this street trader may potentially reduce visibility for cars entering and exiting the car park and/or block the pavement, both of which may increase risk for our children. If the road safety of pedestrians can be guaranteed then we have no objection. If the application was successful then it may possibly be worth the trader extending hours to try and catch the school run. If you have any further queries then please do not hesitate to get in touch.

Kind regards

Gavin Martin

On behalf of the governing body of Walliscote Primary School

01934 621954



Registered address: School House, Selworthy Road, Weston-super-Mare BS23 3ST.

A charitable company limited by guarantee registered in England and (Company number:10896504)

MR. DENNIS CARPENTER

36, BERNBECK COURT,

CARLTON STREET,

WESTON-S-MARE.

14th JUNE 2017.

Dear Sirs,

With REF. to the enclosed
Trading Application.

I am objecting for
reasons of the following:

1, THE TRAILER IS AN EYESAW.

2, POSITIONED OPPOSITE WHAT IS SUPPOSED
TO BE A NICE SHOPPING CENTRE!!

3, ALREADY PLENTY OF CAFES, RESTAURANTS,
BEACH BARS, COFFEE BARS & SNACK FOOD
OUTLETS IN THE AREA.

4, IT WILL CREATE AN OBSTRUCTION TO
THE PAVEMENT WITH PEOPLE PURCHASING
& WAITING FOR FOOD & BEVERAGES.

5, ALL ELDERLY PEOPLE LIVING AT
BERNBECK COURT, MANY HAVE MOBILITY
SCOOTERS, SHOPPING TROLLY'S & WALKING
STICKS. THE PAVEMENT DOES NOT NEED

P.T.O.

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TO BE OBSTRUCTED (SAFETY RISK).
6. LITTER WILL BE DROPPED BY PEOPLE
& CHILDREN WALKING TO THE BEACH &
BACK TO THE RAILWAY STATION ETC.
COUNCIL WILL NEED TO PROVIDE MORE
BINS & EMPTY THEM.

7. THE TAX BAND IN THESE FLATS WERE
INCREASE FROM A "C" TO A "B". THE
AREA IS MENT TO BE BECOMING A
MORE PRESTIGIOUS AREA. THIS WILL NOT
HAPPEN IF THERE ARE:

- A. BLOCKED PAVEMENTS
- B. AN EYESAW BLUETRAILER (HORSE BOX)
- C. RUBBISH LITTERING THE ROAD &
PAVEMENT.

Yours sincerely
[Signature]

P.S. SINCE WAITING THIS LETTER.
OTHER RESIDENTS HAVE EXPRESSED
A WISH TO SIGN THE OBJECTION.
THESE SIGNATURES ARE ENCLOSED.