

North Somerset Council

Report to the Licensing Sub Committee

Date of meeting: 9 OCTOBER 2023

Subject of report: grant of a street trading consent to Jessica Tarr, T/A H & A Burgers, Portishead Town Football Club, Bristol Road, Portishead

Town or parish: Portishead

Officer/member presenting: Director of Public Health

Key decision: no

Recommendations

That the Licensing Sub-Committee considers and determines the application made by Jessica Tarr for a Street Trading Consent in the district of North Somerset.

1. Summary of report

- 1.1 An application for the grant of a Street Trading Consent has been received from Jessica Tarr trading as H & A Burgers. The application made is for the sale of hot food and refreshments. Consultations have been carried out and objections against the grant of a consent have been raised by 4 residents. The objections received relate to the proposed operating hours, the possible increase in noise nuisance and litter, no provision of toilet facilities or water supply during the hours that the football club is closed, obnoxious smells from the trading unit and diesel emissions from the generator.
- 1.2 Consultations have also been carried out with the relevant enforcement agencies and no adverse observations have been made.

2. Policy

- 2.1 In 2008 the full Council adopted a revised district wide Street Trading Scheme for the North Somerset area. The Street Trading Policy has been reviewed since that time, the most recent being 2020. The application made falls within the Council's Street trading scheme.
- 2.2 The Council also 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 Jessica Tarr to carry out street trading within the Council's area within the grounds of Portishead. Outline details of the application are shown at **Appendix 1**.

3.2 The street trading activity being proposed is the sale of food and refreshments on the following days and times:

	MON.	TUES.	WED.	THURS.	FRI.	SAT.	SUN.
FROM	0730 hrs	0730 hrs	0730 hrs	0730 hrs	0730 hrs	0730 hrs	0730 hrs
TO	2300 hrs	2300 hrs	2300 hrs	2300 hrs	2300 hrs	2300 hrs	1600 hrs

3.3 The application site for street trading is shown on the map at **Appendix 2**.

3.4 Photographs of the site subject to the application will be available at the hearing.

3.5 There are commercial and residential properties situated within 100 metres of the proposed site and these are shown on the map at **Appendix 3**.

3.6 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)	No adverse comment
Highways	No adverse comment
Town Council	No adverse comment
Food, Health and Safety Team	No adverse comment
Environmental Protection Team	No adverse comment

4.2 The details of the above observations have been made available to the applicant and members of the Licensing Sub-Committee prior to the hearing of this application.

4.3 A notice has been displayed at the site for 28 days from the date when the application was made. 4 written objections have been received. The principle objections and concerns raised are as follows:

- The proposed trading hours of the unit
- Increase in noise causing a nuisance to residents
- A possible increase of litter and vermin in the vicinity of the trading unit.
- Obnoxious cooking smells.
- Diesel emissions from the generator.
- No provision of toilet facilities during the hours that the football club is closed.
- No water supply during the times the football club is closed.

4.4 Copies of the representation made are shown at **Appendix 4**.

5. Financial implications

Costs – None

Funding - None

6. Legal powers and implications

- 6.1 The Licensing Authority recognises that its licensing function is only one means of securing the delivery of the service. The Licensing Authority will therefore continue to work in partnership with other stakeholders, such as the Police, Crime & Disorder Partnerships and the Vehicle and Vehicle Standards Agency (DVSA) towards the promotion of any licensing objectives.
- 6.2 In undertaking its licensing function, the Licensing Authority has regard to the following legislation:
- Local Government (Miscellaneous Provisions) Act 1982
 - Environmental Protection Act 1990
 - Health Act 2006
 - The Smoke-free (Premises and Enforcement) Regulations
 - The European Convention on Human Rights, which is applied by the Human Rights Act 1998
 - The Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) Order 2002
 - Local Government (Miscellaneous Provisions) Act 1984
 - Licensing Act 2003
- 6.3 The Licensing Authority also has regard to any other relevant legislation, strategies, policies and guidance in its decision-making.

7. Climate change and environmental implications

There are no climate change and environmental implications noted as part of this report.

8. Risk management

- 8.1 Regularly reviewing licensing policies and practices and using a risk-rated approach to both proactive and reactive enforcement reduces the risk to the Authority. Ensuring MoU agreements are in place with external partner agencies will also help strengthen roles and responsibilities surrounding Licensing work.

9. Equality implications

None

10. Corporate implications

- 10.1 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.

- 10.2 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.
- 10.3 The provisions of the Human Rights Act 1998 apply to the process of granting Street Trading Consents.

11. Options considered

- 11.1 The following options are available to the Licensing Sub-Committee with regard to the application that has been made:
 - a) Grant the application as applied for.
 - b) Grant the application as applied for but with modifications to the terms sought.
 - c) Refuse the application.
- 11.2 Should the application be granted the standard street trading conditions are recommended to be attached to the Consent granted.

Author

Caz Horton, Licensing Officer

Tel: 01934 426 800

Background papers

The relevant background papers are attached as appendices.

North Somerset Council Street Trading Policy

APPENDIX 1

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

APPLICATION FOR THE GRANT OR RENEWAL OF A STREET TRADING CONSENT/LICENCE

	Consent	Licence
Type of permission (Please)	Grant	
	Renewal	Existing permit No

Applicant Details

Last Name	Jessica
First names	Tarr
Business Name	H & A burgers LTD
Date of Birth	
Address of applicant	

Contact telephone number	Home
	Mobile

Email Address

Site Details

Is the site on private property – If Yes, landowner written permission required

No Council Owned

Full address of proposed trading site

Portishead Town Football Club,
Bristol Road,
Portishead,
BS20 6QG

Type of goods being traded

Food and Soft Drink

Application checklist

I hereby apply for a Street Trading consent / licence and enclose:

- 1 Completed application form
- 2 Map of the proposed trading site (New applications only)
- 3 Colour photo of the trading unit(s) (New applications only)
- 4 Copy of public liability insurance (£5m)
- 5 Copy of commercial waste transfer agreement
- 6 Written permission of landowner (private land only)
(new applications only)
- 7 The appropriate fee - **(Please)**
Cheque payable to "North Somerset Council"
 - Please telephone me for a card payment
 - Enclosed receipt for payment made at kiosk

Application details

Type	Please (Number of units
A Single Standard Pitches	1	
B Event Pitches (individual & Block consents)		
C Farmers Markets (per market)		
D Craft Markets / Street Fairs (per market/fair)		
E NSC current concession holders		

Date(s) of proposed trading

From 26th July 2023 **TO** 6 week rolling contract

Times of proposed trading

	MON	TUE	WED	THU	FRI	SAT	SUN
FROM	7.30am	7.30am	7.30am	7.30am	7.30am	7.30am	7.30am
TO	11pm	11pm	11pm	11pm	11pm	11pm	4pm

Will the consent holder be present at times of trading **No**

If not – name and contact of person responsible for unit during trading

Name Jessica Tarr

Tel

Details of toilet facilities for staff working on static site Use of football club toilets at all times.

Details of unit(s)

Type of unit	Van	Trailer 1	Cart	Stall
Dimensions		20ft	6ft	10ft
	Length	Width	Height	
Trading name of unit	H & A Burgers			

Declaration (Please)

I declare that I have checked the information given on this form and that to the best of my knowledge and belief it is correct.

Signature *J Larr*
Print Name: J Larr
Date: 28/07/2023

Data Protection – Privacy Notice

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.

North Somerset Council is registered with the Information Commissioner's Office for the purposes of processing personal data. The information you provide will be held and used in accordance with UK and European data protection law. For further details on how we use your personal information in the delivery of the Environmental Protection & Licensing service, please read our full privacy notice available at [www.
http://www.n-somerset.gov.uk/my-business/licensing/](http://www.n-somerset.gov.uk/my-business/licensing/) If you have any concerns about how your personal data is handled, please contact the Data Protection Officer at DPO@n-somerset.gov.uk



PORTISHEAD TOWN COUNCIL

THE FOLK HALL, 95 HIGH STREET, PORTISHEAD, BS20 6PR
TEL: 01275 847078 www.portishead.gov.uk

Our Ref:20230725

25th July 2023

Mr James W Hughes
Portishead Football Club
The Playing Field
Bristol Road.
Portishead
BS20 9QG.

Dear James

Re: Installation of a Food Van on Football Ground Land

Further to your meeting with the Chairman of Portishead Town Council today, I can confirm that Portishead Town Council agrees to the installation of a Food Van on the Football Ground Land as of Wednesday 26th July 2023 for a trial period of six weeks until the end of August 2023.

Then provided we receive a copy of your food hygiene rating and there are no complaints from residents the Town Council will formally extend this to run for a further 6 months. There will be a review at the end of that period.

Therefore, provided no issues occur in the second 6-month period, then you will be able to continue on an ongoing basis, with the precursor that the Town Council receives annually the documents as set out below:

Health and Safety risk assessment.

Fire risk assessment.

Food hygiene rating and certification and the Public and Employee Liability Insurance Certificate.

Yours sincerely

W. Coulter-Woodman

Mrs Wendy Coulter-Woodman
Town Clerk – on behalf of Portishead Town Council



JB Waste Solutions

Phoenix way

Portsmouth

BS20 7LG

07387354726

jbwastesolutions@yahoo.com

To whom it may concern,

We are happy to say H&A Burgers on Bristol road have an account with us.

We pick up waste from this company two times each week and we also have an arrangement that if there is an overflow of waste we can have a driver that can stop by on any occasion.

Kind regards

J Britton

Issue date: 25 July 2023

Simply Business certifies that the information for H and A Burgers Ltd shown here is correct, as of the issue date above.

For full policy terms and conditions, please refer to the policy wording document.

Company name	H and A Burgers Ltd
Policy number	CHBS4086048XB
Trade/Business	Mobile food van
Public liability	up to £5,000,000
Employers liability	up to £10,000,000
Policy start date	25 July 2023
Policy end date	20 July 2024



David Summers
Group CEO, Simply Business



Call: 07767 839423 **H&A Burgers** Call: 07767 839423

REAL HONEST FOOD

07767 839423 **H&A Burgers** Call: 07767 839423

GOURMET BURGERS



MEGA HOT DOGS



FRIES

APPENDIX 2

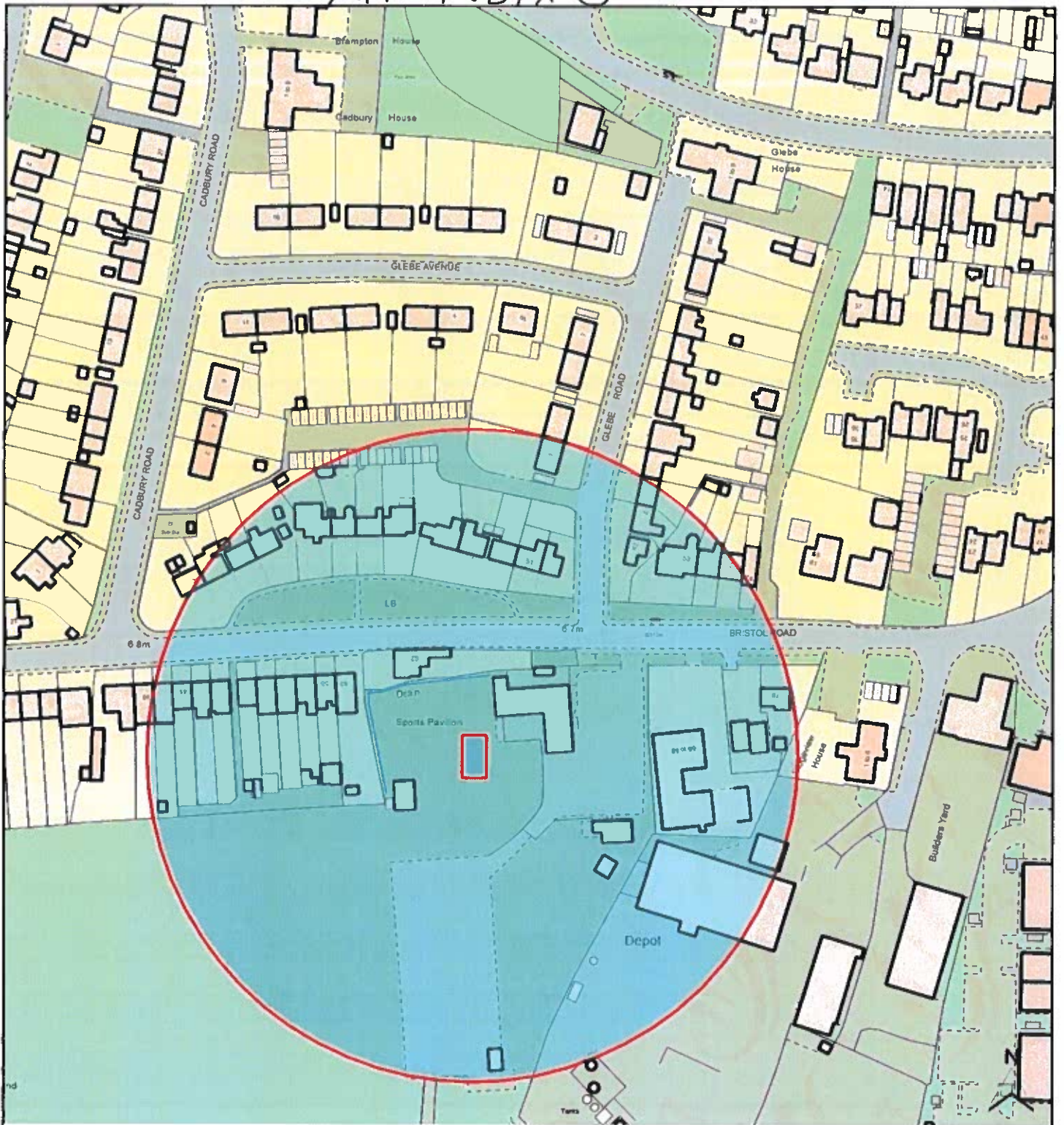


- Land and property
- Infrastructure
- Street lighting



Scale: 1:1000
 Drawn by: Caz Horton
 Date: 27 September 2023

APPENDIX 3



Land and property

Infrastructure

Street lighting



Scale: 1:1700
Drawn by: Caz Horton
Date: 27 September 2023

APPENDIX A

Caz Horton

From: Caz Horton
Sent: 26 September 2023 08:13
To: Caz Horton
Subject: FW: Food van at Portishead town FC

Sent: Thursday, August 31, 2023 9:17 PM

To: Peter Burden (Councillor) <Peter.Burden@n-somerset.gov.uk>; LICENSING <licensing@n-somerset.gov.uk>

Subject: Food van at Portishead town FC

Good morning

I would like to bring to your attention thoughts on the food van placed within the Portishead Town FC. Living on Bristol Road and a few doors down from the clubhouse itself we have noticed a considerable amount of noise coming from the generator of the food van in the position it is placed within the car park. Currently it is backed onto the houses. The van was also initially running in the evenings causing considerable distress at listening to the full sound of the generator running when sitting in the garden.

It's not that we object to the food van in principle but the placement of the van has effected the local neighbours in close vicinity to the football club. As with all areas that serve food this also attracts vermin especially rats which is a problem that we currently have, sufficient bins and clearing up of waste needs to be secure to not encourage the problem further. My understanding was initially the food van was going to be sited at the back of the car park near the portacabins which would have been a much more suitable placement.

In addition a quiet generator could be purchased so not to cause the amount of noise it does currently. Please would you let us know when any further action might be taken Many thanks

Sent from my iPhone

Caz Horton

From: Caz Horton
Sent: 26 September 2023 08:14
To: Caz Horton
Subject: FW: Licence application for food and refreshment trailer sited at PTFC Portishead

Dear Committee,

I wish to comment on the above in time for the September 4th deadline.

I wish to OBJECT to the trailer's present position for the following reasons:

The present siting of the refreshment trailer is close behind at least four of our terrace properties and also impacts on other residents further along the terrace due to our gardens and house rears being divided from the overflow car park and field by just a hedge, some of which is soon to be removed due to fence maintenance requirements.

Over the BH weekend, and on other days/evenings since, the trailer has been open for business. Over this short time we have experienced the noise emanating from its operation...the incessant motor noise of its diesel generator, which in decibel levels might not be high but its annoyance certainly is, and this is intensified by the terrain and buildings around. Sounds are much louder, especially at night, in the vicinity. My neighbour feels unable to open their bedroom window until later in the night due to the continuous hum, which went on until 23.30 on one occasion.

As well as the noise, there is the issue of diesel emissions which are being discharged into the air close to family households with young children.

I believe the hours of opening are overly long, with the potential for increased traffic on Bristol Road, Portishead, an already problematic road with narrow or non-existent pavements approaching the Football Club fields on the southern side of the road, no pedestrian crossing nearby, but with much traffic movements throughout the day, often travelling over the 30mph speed limit. (I was involved with Community Speedwatch)

The connection with the Football Club is confusing as the License is not being requested by them but by a private business, who wants to run their business from the site, leased by the Club from Portishead TC. Although it might help the club for this trailer to provide fast food on their weekend match days and training or mid-week evening matches, the request for the facility to open so early in the morning and so late at night concerns us residents regarding the possibility of it becoming a 'truck stop', perhaps not by original intent but through the power of social media...such as the increase of overnight stop-overs at the Lake Grounds by Camper vans and other vehicles being used similarly.

We are also concerned re the late night opening hours attracting increased, random footfall along the terrace's private lane for easy access to the food outlet, thus causing the neighbours' dogs to bark warning of strangers...as is their function...but thus waking up the neighbourhood children, causing anxiety to the various elderly residents, and it all becoming an unacceptable nuisance and security issue.

The trailer has no toilet facilities, so when the Football Club hasn't got home fixtures and has no functions going on, their toilet facilities aren't open....and anyway, do they want the general public, unconnected to their Club, using their facilities? As near neighbours, we are concerned that the hedge, fields and backs of the FC buildings, and our private access lane, could become open-air toilets with the associated health and hygiene and Child Protection issues as the fields are used freely by the local youngsters for sport and recreation, even when not part of the club.

As I stated at the beginning of this email...I OBJECT to the granting of a licence to the owners of the truck if it is to be parked in its current position close to residents' homes and if the opening hours remain so long due to all the stated nuisance factors.

If its permitted siting is moved to nearer the entrance car park, away from residential properties, and nearer to the F.Club buildings, some of the stated possible nuisances might be overcome, and the proposed 6 week trial period, and then 6 month trial, which I believe PTC have suggested, would be a useful period to see what the impact might actually be.

Yours sincerely

Caz Horton

From: Caz Horton
Sent: 26 September 2023 08:16
To: Caz Horton
Subject: FW: Objection to food and refreshments trailer Bristol road

From: Caz Horton <Caz.Horton@n-somerset.gov.uk>
Sent: Tuesday, September 26, 2023 8:11 AM
To: Caz Horton <Caz.Horton@n-somerset.gov.uk>
Subject: FW: Objection to food and refreshments trailer Bristol road

From:
Sent: Sunday, September 3, 2023 10:49 PM
To: Peter Burden (Councillor) <Peter.Burden@n-somerset.gov.uk>; LICENSING <licensing@n-somerset.gov.uk>
Subject: Re: Objection to food and refreshments trailer Bristol road

On Sun, 3 Sept 2023, 22:45

Dear Sir/Madam

Food and refreshments van Portishead Football club, Bristol Road.

We are contacting you to make a formal objection for the food and refreshments trailer sited at Portishead football club grounds on Bristol Road Portishead. It is currently situated on a part of the grounds where it is as close as possible to the adjoining domestic properties, of which our property (No. 60) is the one that is directly next to the trailer. When it has been running so far it has been causing a terrible noise and smell throughout the whole day. The diesel/petrol generator is situated to the side of the trailer next to our garden and the constant noise is preventing us from wanting to spend any time in our garden, especially as we have a 5 year old son who loves spending time outside. The noise has also proceeded late into the night past 11pm and is even worse through our bedroom windows which we now cannot open at night until after this has been switched off. Portishead football club has a large carpark and grounds most of which adjoin a commercial/industrial complex so this would be a much better siting for the trailer as far away as possible from the domestic properties. The proposed operating hours of 7:30am – 11pm seems a bit excessive in regards to noise from people arriving and leaving throughout the whole day. We have become used to living adjacent to the local town football club and understand it used by a large number of people from Portishead and other areas. The football club is mostly used while matches are being played at certain points through the week and weekends but we believe a food trailer that will be trading from early morning to late at night is too excessive for where it will be sited. We can understand this being used for matches and events but not all day, every day.

If its permitted siting is moved nearer the entrance to the football club and next to the commercial properties then some of the above stated complaints might be overcome and this is something that can be tested through the proposed 6 week trial. As we stated at the beginning of this letter we object to the granting of a licence to Mrs Jessica Tarr if it is parked in its current position and if no other problems arise from the coming trial period. The site is a council owned green space being used for recreational activities and is not a trading estate. This trailer would be open longer than any shop in the local area.

Yours sincerely

Caz Horton

From: Caz Horton
Sent: 26 September 2023 08:15
To: Caz Horton
Subject: FW: Licensing application for refreshment trailer

----- Original Message -----

Subject: Licensing application for refreshment trailer
From:

Sent: Sunday, 3 September 2023, 12:50
To: peter.burden@n.somerset.gov.uk, licensing@n.somerset.org.uk
CC:

Dear Mr Burden

Whilst I am not totally against there being some sort of refreshment trailer at Ptfc I would like to express my concern over the number of hours it is intending to open. I understand it to be 7.30am until 11/11.30 pm and the constant drone of the generator in my opinion is unacceptable. Since the trailer has been operating I've had to sleep with all windows closed even in the hot weather so as not to hear the generator. Maybe if the trailer was positioned on the car park near the portacabins it would help. Also I am concerned that when the football club closes on weekend evenings and after a few beers people will be buying food and taking short cuts across the field, dropping rubbish and using the private lane between our houses to get back into Bristol Road therefore waking up my young dog causing him to bark and annoy the neighbours as many have young babies and children. I have lived in Bristol Road all my life and in my present home for 43 years. My late husband and myself have always supported the football club until lockdown and have always turned a deaf ear to any noisy events but living on my own I don't relish the idea of any people using the lane at all hours of the night.

Finally I was also wondering that if the football club was closed how would the operative manage without toilet facilities and water supply????!!

My full details are. and I consent to my concerns being put towards all those concerned.

Yours sincerely