

## **BATH AND NORTH EAST SOMERSET**

### **LICENSING (TAXIS, STREET TRADING AND MISCELLANEOUS) SUB-COMMITTEE**

**Tuesday, 3rd April, 2012**

**Present:-** Councillors Sarah Bevan (Chair), Bryan Chalker and Malcolm Lees

**Also in attendance:** Alan Bartlett (Principal Licensing Officer) and Francesca Smith (Senior Legal Adviser)

#### **37 EMERGENCY EVACUATION PROCEDURE**

The Democratic Services Officer drew attention to the emergency evacuation procedure set out on the agenda.

#### **38 APOLOGIES FOR ABSENCE**

There were none.

#### **39 DECLARATIONS OF INTEREST**

There were none.

#### **40 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR(PERSON)**

There was none.

#### **41 MINUTES - 7TH FEBRUARY 2012**

**RESOLVED** that the minutes of the meeting of Tuesday 7<sup>th</sup> February 2012 be confirmed as a correct record and signed by the Chair(person).

#### **42 LICENSING PROCEDURE - APPLICATIONS FOR LICENCES, PERMITS AND CONSENTS (EXCLUDING HACKNEY CARRIAGE, PRIVATE HIRE AND SEX ESTABLISHMENT MATTERS)**

**RESOLVED** that the procedure for the meeting be noted.

#### **43 APPLICATION FOR PERMISSION TO PROVIDE FACILITIES ON THE HIGHWAY FOR RECREATION/REFRESHMENT AT MOLES BATH LTD, 14 GEORGE STREET, BATH.**

The Sub-Committee considered the report which sought consideration of an application for permission to provide facilities on the highway in respect of Moles Bath Ltd., 14 George Street, Bath, BA1 2EN.

The applicant was present. He confirmed he had read and understood the procedure for the meeting. A representative of one of the objectors was also present.

The Licensing Officer presented the report. He confirmed the application was for 5 tables and 10 chairs. He stated that there had been 3 objections in relation to public nuisance.

The applicant put his case and was questioned. He stated that the hours of operation should be every day 11.00 – 21.00 to be in line with the planning consent, not 22.00 as stated on the application form. He informed the meeting that having spoken to 2 of the objectors they had now withdrawn their objections. He assured the meeting that he was committed to helping residents and wanted to encourage responsible behaviour in his patrons.

Dee Moss, spoke on behalf of Sheila Lamble, one of the objectors and put her case and was questioned. She concluded by stating that Ms Lamble would be happy to support the application if the applicant honoured his responsibilities in respect of his licence.

The applicant made his closing statement.

Following an adjournment it was

**RESOLVED** that the application for permission to provide facilities on the highway in respect of Moles Bath Ltd., 14 George Street, Bath, BA1 2EN, be granted subject to the standard conditions.

#### Reasons for decision

Members have determined an application for permission to place tables and chairs on the highway at Moles, 14 George Street, Bath.

Members took into account the Local Government (Miscellaneous Provisions) Act 1982, Part VIIA Highways Act 1980 and the Human Rights Act 1998.

Members considered the application and noted that two of the objections had been withdrawn. They considered the remaining written objection and the letter in response to the objections from the applicant. They listened carefully to the oral representations and balanced the interests of the applicant, the objector and the general public.

Members noted that the objection had been made on the basis of alleged anti-social behaviour and littering in association with the premises when it was being operated as a nightclub. They considered that these were issues that fell under the provisions of the Licensing Act 2003 and, if the objector had concerns with the way that the premises were run, they should complain to the Licensing Authority.

Members listened to what the applicant said as regards the operation of the tables and chairs permission. They also noted that, if permission was granted, the applicant would have to adhere to Standard Condition 9 which requires that the

holder of the permission shall not do or suffer anything to be done in or on the highway which, in the opinion the Council, would cause nuisance, annoyance or cause damage or inconvenience, to the Council, or owners or occupiers of any adjacent or neighbouring premises or to members of the public. Members also noted that there had not been any objections to the application from Highways.

Members were assured by what the applicant had stated as to how the premises would operate and that he had adequately addressed the objector's concerns. They therefore granted the permission in the terms set out in the application with the amendment to the terminal hour of 9.00pm (21.00) each day in accordance with the planning permission.

The meeting ended at 11.00 am

Chair(person) .....

Date Confirmed and Signed .....

**Prepared by Democratic Services**