

Democratic Services

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Our ref:

Date: 23 April 2012

E-mail: Democratic_Services@bathnes.gov.uk

**To: All Members of the Licensing (Taxis, Street Trading and Miscellaneous)
Sub-Committee**

Councillor Sarah Bevan
Councillor Bryan Chalker
Councillor Malcolm Lees

Chief Executive and other appropriate officers
Press and Public

Dear Member

Licensing (Taxis, Street Trading and Miscellaneous) Sub-Committee: Tuesday, 1st May, 2012

You are invited to attend a meeting of the **Licensing (Taxis, Street Trading and Miscellaneous) Sub-Committee**, to be held on **Tuesday, 1st May, 2012 at 10.00 am** in the **Council Chamber - Guildhall, Bath.**

Briefing

Members of the Sub-Committee are reminded that the meeting will be preceded by a briefing at 9.30am.

The agenda is set out overleaf.

Yours sincerely

Enfys Hughes
for Chief Executive

If you need to access this agenda or any of the supporting reports in an alternative accessible format please contact Democratic Services or the relevant report author whose details are listed at the end of each report.

This Agenda and all accompanying reports are printed on recycled paper

NOTES:

1. **Inspection of Papers:** Any person wishing to inspect minutes, reports, or a list of the background papers relating to any item on this Agenda should contact Enfys Hughes who is available by telephoning Bath 01225 394410 or by calling at the Riverside Offices Keynsham (during normal office hours).
2. **Details of Decisions taken at this meeting** can be found in the minutes which will be published as soon as possible after the meeting, and also circulated with the agenda for the next meeting. In the meantime details can be obtained by contacting Enfys Hughes as above.

Appendices to reports are available for inspection as follows:-

Public Access points - Riverside - Keynsham, Guildhall - Bath, Hollies - Midsomer Norton, and Bath Central, Keynsham and Midsomer Norton public libraries.

For Councillors and Officers papers may be inspected via Political Group Research Assistants and Group Rooms/Members' Rooms.

3. **Attendance Register:** Members should sign the Register which will be circulated at the meeting.
4. THE APPENDED SUPPORTING DOCUMENTS ARE IDENTIFIED BY AGENDA ITEM NUMBER.
5. **Emergency Evacuation Procedure**

When the continuous alarm sounds, you must evacuate the building by one of the designated exits and proceed to the named assembly point. The designated exits are sign-posted.

Arrangements are in place for the safe evacuation of disabled people.

Licensing (Taxis, Street Trading and Miscellaneous) Sub-Committee - Tuesday, 1st May, 2012

at 10.00 am in the Council Chamber - Guildhall, Bath

A G E N D A

1. EMERGENCY EVACUATION PROCEDURE

The Chair(person) will refer to the emergency evacuation procedure as set out under Note 5 for each case.

2. APOLOGIES FOR ABSENCE

To inform the meeting of any apologies and substitutions for the meeting.

3. DECLARATIONS OF INTEREST

Members who have an interest to declare are asked to:

- a) State the item number in which they have the interest.
- b) State the nature of the interest.
- c) State whether the interest is personal, or personal and prejudicial.

Any Member who is unsure about the above should seek advice from the Monitoring Officer prior to the meeting in order to expedite matters at the meeting itself.

4. TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR(PERSON)

5. MINUTES - TUESDAY 3RD APRIL 2012 (Pages 5 - 8)

6. LICENSING PROCEDURE - APPLICATIONS FOR LICENCES, PERMITS AND CONSENTS (Pages 9 - 10)

7. APPLICATION FOR PERMISSION TO PROVIDE FACILITIES ON THE HIGHWAY FOR RECREATION/REFRESHMENT AT SEARCY'S RESTAURANT, PUMP ROOMS, ABBEY CHURCHYARD, BATH (Pages 11 - 34)

8. LICENSING PROCEDURE - HACKNEY CARRIAGE (TAXI) AND PRIVATE HIRE DRIVERS (Pages 35 - 36)

9. EXCLUSION OF THE PUBLIC

The Committee is asked to consider passing the following resolution:

“that, having been satisfied that the public interest would be better served by not disclosing relevant information, in accordance with the provisions of Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following item(s) of business because of the likely disclosure of exempt information as defined in paragraphs 1 and 2 of Part 1 of Schedule 12A of the Act, as amended”.

10. APPLICATION FOR HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE:-

MR C J C (Pages 37 - 44)

11. APPLICATION FOR HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE:-
MR PTJ H (Pages 45 - 52)
12. APPLICATION FOR RENEWAL OF LICENCE & CONSIDERATION OF CONVICTION
OBTAINED DURING TERM OF CURRENT LICENCE - MR G M W (Pages 53 - 58)
13. APPLICATION FOR RENEWAL OF LICENCE & CONSIDERATION OF CONVICTION
OBTAINED DURING TERM OF CURRENT LICENCE - MRS T S (Pages 59 - 64)

The Committee Administrator for this meeting is Enfys Hughes who can be contacted on 01225 394410.

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 7th 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

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Agenda Item 6

Licensing (Taxis, Street Trading & Miscellaneous) Sub-Committee Procedure for Applications for Licences, Permits and Consents (excluding Hackney Carriage, Private Hire and Sex Establishment matters)

1. The Chair will introduce Members of the Sub-Committee, introduce the Officers present, explain the procedure to be followed and ensure those present understand that procedure.
2. The Licensing Officer will outline the nature of the matter to be considered by the Sub-Committee.
3. The Applicant (or his/her representative) addresses the Sub-Committee.
4. The Applicant may be asked questions by the Sub-Committee and other interested parties.
5. The Applicant (or his/her representative) may call witnesses in support of their case and each witness may be asked questions by the Sub-Committee and other interested parties.
6. The Chair will ask the Licensing Officer whether they have any comments to make and invite any statutory consultee present to address the Sub-Committee. The Sub-Committee may ask questions of Licensing Officers and or consultees.
7. (i) Any objectors will take it in turn to address the Sub-Committee and may be asked questions by the Sub-Committee, the Applicant and other interested parties.
(ii) Objectors may call witnesses in support of their representations and each witness may be asked questions by the Sub-Committee, the Applicant and other interested parties.
8. Objectors and any other parties making representations will be invited to make a closing statement.
9. The Applicant will be invited to make a closing statement.
10. The Sub-Committee withdraw to private session to consider their decision. The Sub-Committee may reconvene to resolve any points of uncertainty on matters already raised. The Sub-Committee will be accompanied for advice only by the Legal Adviser and Democratic Services Officer.
11. The Sub-Committee will return to the meeting room and the Chair will announce the Sub-Committee's decision with reasons and advise that the decision will be released in writing within the statutory time limits.
12. Where the Sub-Committee attach conditions to the licence the Sub-Committee will detail those conditions.

PLEASE NOTE:

- Where the Sub-Committee considers it necessary the procedure may be varied.
- In circumstances where any party fails to attend the Sub-Committee will consider whether to proceed in that party's absence or defer to the next meeting on notice to all parties that the matter may proceed in a parties absence on the next occasion. In

deciding whether to proceed all notices and representations will be considered.

- Only in **exceptional circumstances** will the Sub-Committee take into account any additional late documentary or other information produced by an existing party in support of their application/representation. This will be at the discretion of the Chair and with the agreement of all the other parties. No new representations will be allowed at the hearing.
- The Sub-Committee will disregard any information or representation given by a party they consider not to be relevant to an Application.
- The hearing will take the form of a discussion and the Sub-Committee will allow all parties to ask questions of other parties present. However, formal cross examination will be discouraged although supplementary questions may be asked for clarification purposes.
- If any person has special needs regarding access, hearing or vision, this should be brought to the Licensing Authority's attention prior to the hearing in order that reasonable adjustments can be made.
- Parties will be allowed an equal maximum period of time to make representations. Although time limits will be at the discretion of the Chair, in the interests of costs and efficiency, this will not normally exceed **twenty minutes** and will include both case presentation and summing up. The time limit will not include the time taken for questions.

N.B.

1. Where there is more than one party making relevant representations the time allocated will be split between those parties and it is therefore recommended parties arrive early to discuss the application with other interested parties.
 2. Where several parties make the same or similar representations one representative should be appointed to make the representations.
 3. Where an objection is made by an association or local residents group, a duly authorised person – as notified to the Licensing authority – may speak on behalf of that association or local residents group.
- The Chair may require any person attending the hearing who is behaving in a disruptive manner to leave the hearing and refuse to allow that person to return, or only allow them to return subject to certain conditions. Any person so excluded will however be entitled to submit to the Sub-Committee any information which they would have been entitled to give orally had they not been required to leave.
 - Bath & North East Somerset Council is committed to taking decisions in an honest, accountable and transparent fashion, but on occasion may find it necessary to exclude members of the press and public based upon the legal framework given in the Local Government Act 1972 Schedule 12 (a). On these occasions decisions based on the above framework will be given.

• S:\DEMOCRATIC SERVICES\WORDDOCS\REGULATORY AND CTTEES\ICTAX\PERM\PROCEDURE MISCELLANEOUS PERMITS AND CONSENTS.DOC updated 2009

Bath & North East Somerset Council	
MEETING: Licensing (Taxis, Street Trading and Miscellaneous) Sub Committee	
DATE: 1 May 2012	AGENDA ITEM NUMBER
TITLE: Application for permission to provide facilities on the highway for recreation/refreshment at Searcy's Restaurant, Pump Rooms, Abbey Churchyard, Bath	
WARD: Abbey	
AN OPEN PUBLIC ITEM	
<p>List of attachments to this report:</p> <p>Annex A Application Annex B Site Plan Annex C Council's Standard Conditions Annex D Highways Notice Annex E Objections</p>	

1 THE ISSUE

- 1.1 An application has been received for permission to provide facilities on the highway in respect of Searcy's Restaurant, Pump Rooms, Abbey Churchyard, Bath.

2 RECOMMENDATION

- 2.1 That the Licensing (Taxis, Street Trading and Miscellaneous) Sub Committee determines the application.

3 FINANCIAL IMPLICATIONS

- 3.1 There are no financial implications arising from this report.

4 THE REPORT

- 4.1 An application has been received for permission to provide facilities on the highway in respect of Searcy's Restaurant Pump Room Abbey Churchyard Bath (Annex A).
- 4.2 The application is for permission to place 8 tables on the highway outside the premises, along with appropriate seating (site plan attached at Annex B).
- 4.3 The size of the area applied for is 19 m x 3 m (which includes a chalet - D 2 m x W 4 m x H 1.95 m).

- 4.4 The times applied for are:
Every Day from 09:00 to 22:00 hours.
- 4.5 Sections 115 A-K were inserted into the Highways Act 1980 by the Local Government (Miscellaneous Provisions) Act 1982 and relate to the provision of Amenities on certain highways.
- 4.6 Upon application the Council may grant permission to provide, maintain and operate facilities for recreation and/or refreshment on a highway.
- 4.7 A grant of permission under Section 115E of the Highways Act 1980 is not to be unreasonably withheld but permissions may be given subject to any reasonable conditions that the Council thinks fit, Section 115J of the Highways Act 1980.
- 4.8 The Council's standard conditions for permission to place tables and chairs on the highway are attached at Annex C.
- 4.9 This report has not been sent to the Trades Union because they would have no involvement in this application.
- 4.10 A notice was placed on the highway on 22 February 2012 (Annex D). The application was also placed on the Council's website.
- 4.11 Six objections have been received. Some of the allegations are that the tables and chairs "have hindered artists from performing in the Abbey Churchyard", and that "there are thousands of places in England where people can eat and drink sitting outside" (copies attached at Annex E).

5 RISK MANAGEMENT

- 5.1 A risk assessment related to the issue and recommendations has been undertaken in accordance with the Council's decision making risk assessment guidance.

6 EQUALITIES

- 6.1 An Equality Impact Assessment (EqIA) has been completed. No adverse or other significant issues were found.

7 CONSULTATION

- 7.1 In accordance with current Bath & North East Somerset Council policy, the Licensing Service consulted with the Police, the Council's Highways Maintenance Services, Property Services and Development Control Services, Ward Councillors and affected frontagers.

8 ISSUES TO CONSIDER IN REACHING THE DECISION

- 8.1 Human Rights.

9 ADVICE SOUGHT

9.1 The Council's Monitoring Officer (Divisional Director – Legal and Democratic Services) and Section 151 Officer (Divisional Director – Finance) have had the opportunity to input to this report and have cleared it for publication.

Contact person	Alan Bartlett, Principal Licensing Officer, Telephone: 01225 477536
Background papers	Highways Act 1980 Local Government (Miscellaneous Provisions) Act 1982
Please contact the report author if you need to access this report in an alternative format.	

**Bath & North East
Somerset Council**

**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982
PART VIIA HIGHWAYS ACT 1980**

PERMISSION TO PLACE TABLES AND CHAIRS ON THE HIGHWAY

SEARCYS RESTAURANT PUMP ROOM ABBEY CHURCHYARD BATH BA1 4LZ

ENVIRONMENTAL SERVICES

22 FEB 2012

We Searcys

Post Log No.
Receipt No: 427791 rec taken
CASH - £53.00

hereby give notice that we intend to apply for a permit in accordance with the particulars in the attached Schedule.

NEW applicants only to complete the following section

- I/We enclose an illustration/photo of the type, colour and dimensions of the furniture
- I/We enclose a site plan indicating the dimensions of the area of highway upon which we wish to place the above furniture (all plans should be drawn to scale)

Applicants REAPPLYING only to complete the following section

(please check the attached application form and amend the details as necessary)

- We certify that there have been no alterations to the size of the area
- We certify that there have been no alterations to the number or style of the furniture
- I/We enclose the maps/diagrams and/or photographs illustrating change to area/furniture

ALL applicants to complete the following section

- We enclose the fee as follows:

Application fee		£241.00
▪ Number of tables	<u>8</u> @ £64 per table	<u>512.00</u>
OR IF NO TABLES USED		
▪ Number of items (e.g. chair, parasol)	<u> </u> @ £32 per item	<u> </u>
Total enclosed		£753.00

- We declare that the information given in this application is true.

Signed by the applicant



Dated 22 February 2012

Dated _____

Please return the completed application to:

Licensing Services, Bath & North East Somerset Council, 9 - 10 Bath Street, Bath BA1 1SN

12/00398/TABLE

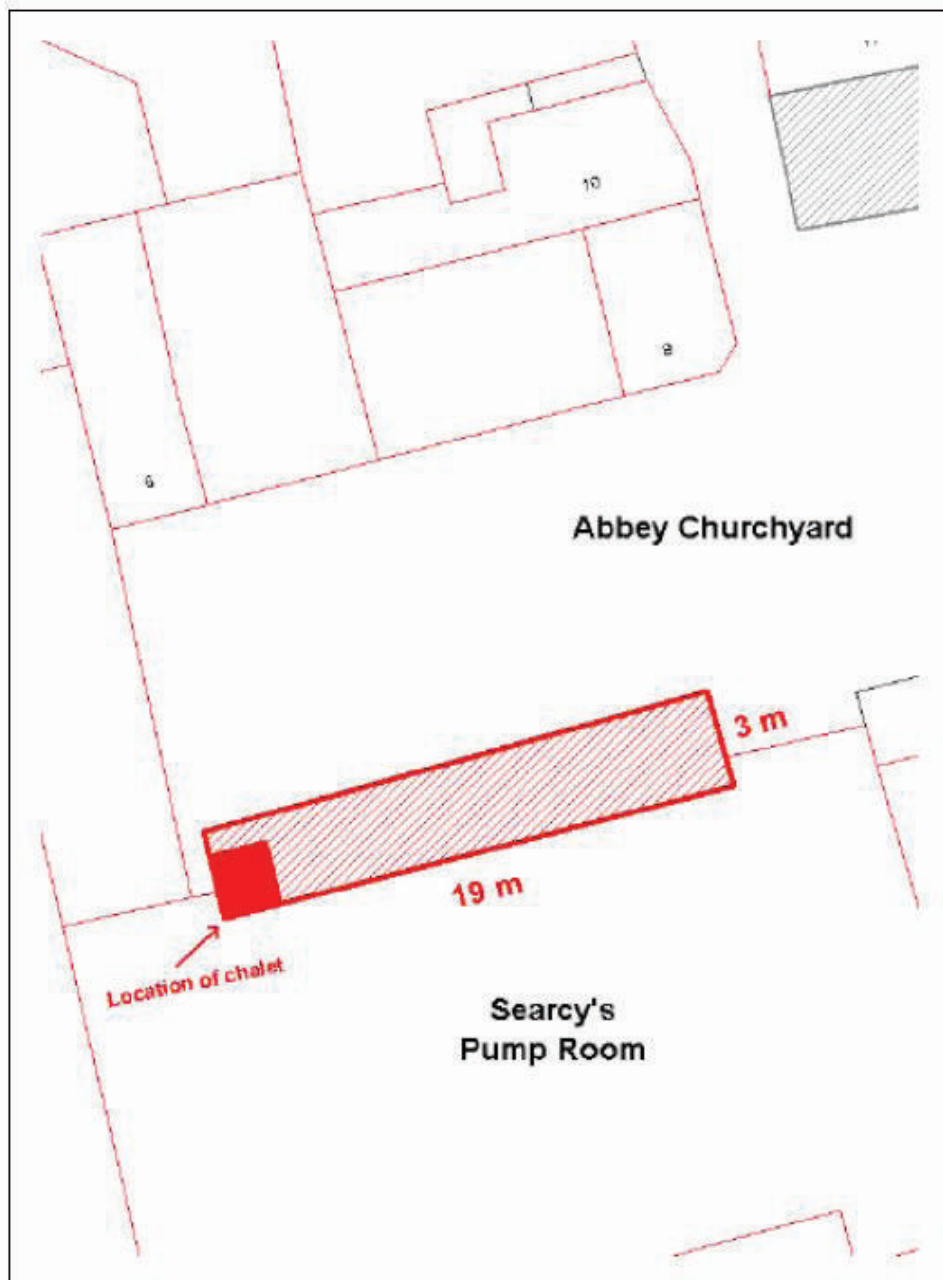
**Wiltshire & North East
Bath & North East
Somerset Council**

**Local Government (Miscellaneous Provisions) Act 1982
Part VIIA Highways Act 1980
Permission to Place Tables and Chairs on the Highway at Searcy's
Restaurant
Pump Room Abbey Churchyard Bath BA1 1LY**

1	Full name and address of each applicant	Mr Graham Plumb Searcy's The Pump Room Abbey Churchyard Bath BA1 1LY
2	Contact telephone number	05/03953/LAPRE
3	The date or dates, or the period of time for which the permit is required (maximum one year)	From: 1 April 2012 To: 31 March 2013
4	Number of tables	8
5	Size/Dimensions of area	19 m x 3 m (which includes a chalet - D 2 m x W 4 m x H 1.95 m)
6	The Council must notify any "affected frontages" of this application. Please provide details of the adjoining premises.	
7	Days of the week and hours of operation on those days	Every Day 09:00 - 22:00
8	Specific part of the premises proposed to be used	Front of premises
9	Alcohol permitted	Yes
10	If yes, please state your premises licence number	11/02465/LAPRE

12/00398/TABLE

Searcy's, The Pump Room Amenities on the Highway



**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982
PART VIIA HIGHWAYS ACT 1980
PERMISSION TO PLACE TABLES AND CHAIRS ON THE HIGHWAY**

CONDITIONS

- 1 The holder(s) of this Permission shall not exercise privileges granted by this Permission otherwise than strictly in accordance with this Permission.
- 2 The holder(s) shall produce this Permission on demand when so required by a Police Officer or a duly authorised Officer of the Bath & North East Somerset Council.
- 3 The holder(s) shall return this Permission to the Office of the Head of Environmental and Consumer Services, 9/10 Bath Street, Bath, BA1 1SN immediately on revocation of this Permission.
- 4 The holder(s) shall not cause any unnecessary obstruction of the highways or danger to persons using it and shall not permit persons to gather so as to cause a nuisance or annoyance or danger to any persons lawfully using the highway.
- 5 The holder(s) shall not use or suffer or permit any music playing music reproduction or sound amplification apparatus or any musical instruments, radio or television receiving sets whilst exercising privileges granted by this Permission.
- 6 The holder(s) shall not make any excavations or indentations of any description whatsoever in the surface of the highway or place or fix any equipment of any description in the said surface.
- 7 The holder(s) shall not use the highway for any other purpose whatsoever nor at any time other than during the permitted hours, other than lawfully passing or re-passing thereover as (a) member(s) or the public.
- 8 The holder(s) shall not place on the highway any furniture or equipment or advertisement other than as permitted by the Council and must maintain the same in a clean and tidy condition and not place them so as to obstruct the entrance to or exit from any premises.
- 9 Notwithstanding the specific requirement in Condition 5 above the holder(s) shall not do or suffer anything to be done in or on the highway which in the opinion of the Bath & North East Somerset Council may be or become a danger, nuisance or annoyance to or cause damage or inconvenience to the said Council or to the owners or occupiers of any adjacent or neighbouring premises or to members of the public.
- 10 The holder(s) shall not assign, underlet or part with any interest or possession given by this Permission or any part thereof but the holder(s) may surrender it at any time.
- 11 The holder(s) shall observe and comply with any directions in relation to the use of the highway given by the Head of Environmental and Consumer Services, or the Head of Engineering Services for the time being of the Bath & North East Somerset Council.
- 12 The holder(s) shall maintain the area shown on the plan attached to this Permission and edged in red, and the immediately adjacent area, in a clean and tidy condition during the permitted hours and shall leave the same in a clean and tidy condition and unobstructed, which shall include washing down the area, at the end of each daily period of use and on revocation or surrender of this Permission.

- 13 The holder(s) shall provide litter bins or similar receptacles for the deposit of cartons, wrappers, containers and similar discarded items if required by the Head of Engineering Services and ensure that the same are emptied daily.
- 14 The holder(s) shall remove all furniture or equipment, litter bins or other articles placed on the highway in accordance with this Permission at the expiry, surrender or revocation of the Permission.
- 15 The holder(s) shall indemnify and save harmless the Bath & North East Somerset Council their agents, servants and workmen from and against all proceedings, claims, damages, costs or expenses in respect of any injury (including personal injury) in damage or loss which may be sustained by the Council or any person or persons, body or company whatever arising out of or in any way connected with the provision or use of facilities under this Permission, except where such injury, damage or loss is attributable to the negligence of the Council.
- 16 This Permission may be revoked by the Bath & North East Somerset Council at any time and the Bath & North East Somerset Council shall not in any circumstances whatsoever be liable to pay any compensation to the holder(s) in respect of such revocation.
- 17 Nothing herein contained shall be construed as the granting or purported granting by the council of any tenancy under the Landlord and Tenant Act 1954 or any permission under the Town and Country Planning Act 1971 or any statutory modification or re-enactment thereof for the time being in force.
- 18 The holder shall, whilst members of the public are using the facilities provided for the consumption of intoxicating liquor, provide and maintain in a prominent position, to the satisfaction of the Council's Head of Environmental and Consumer Services, notices in the form approved by him concerning the provisions of the Byelaw made by the Bath City Council on 30th January 1991 relating to the consumption of intoxicating liquor in public places.

Notes:

- 1 Section 115K of the Highways Act 1980 provides as follows:-
 - (1) If it appears to a council that a person to whom they have granted a permission under section 115E of this Act has committed any breach of the terms of that permission, they may serve a notice on him requiring him to take such steps to remedy the breach as are specified in the notice within such time as is so specified.
 - (2) If a person on whom a notice is served under sub-section (1) of this Act fails to comply with the notice, the council may take the steps themselves.
 - (3) Where a council have incurred expenses in the exercise of the power conferred on them by sub-section (2) of this Act, those expenses, together with interest at such reasonable rate as the council may determine from the date of service of a notice of demand for the expenses, may be recovered by the council from the person on whom the notice under sub-section (1) of this Act was served.
- 2 Failure to comply with any Condition of the Permission will require the Council to consider whether any subsequent Permissions should be granted to the holder(s) of this Permission.

BATH & NORTH EAST SOMERSET COUNCIL
ALCOHOL CONSUMPTION IN DESIGNATED PUBLIC PLACES (BATH) ORDER 2004

This Order is made under the Criminal Justice and Police Act 2001 and relates to the consumption of alcohol in a Public Place. For the purposes of the Order, your premises and the area covered by your permit are not a Public Place.

Where a constable reasonably believes that a person is, or has been, consuming alcohol in a designated public place or intends to consume alcohol in such a place. The constable may require the person concerned either not to consume in that place anything which is, or which the constable reasonably believes to be, alcohol; or to surrender anything in his possession which is, or which the constable reasonably believes to be, alcohol or a container for alcohol. A constable may dispose of anything surrendered to him in such manner as he considers appropriate.

A person who fails without reasonable excuse to comply with a requirement imposed on him under in such circumstances commits an offence and is liable on summary conviction to a fine not exceeding level 2 on the standard scale (currently £500).

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

PART VIIA HIGHWAYS ACT 1980

SEARCY'S RESTAURANT PUMP ROOM ABBEY CHURCHYARD BATH BA1 1LY

NOTICE IS HEREBY GIVEN that an application has been made to Bath & North East Somerset Council by the proprietor of the abovementioned premises for permission to provide facilities for recreation or refreshment consisting of a number of tables and chairs in or on that part of the highway specified above until:

31 March 2013

and at the following times:

Every Day 09:00 - 22:00 hours

Further information about the above application, including the area of footpath or footway, may be obtained by calling at the address below.

If you wish to make any representations to the Council regarding the above application you should do so in writing to the undersigned within 28 days from the date of this notice.

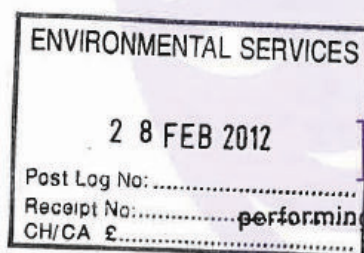
Under the provisions of the Local Government Act 1972 as amended by the Local Government (Access to Information) Act 1985, such representations will normally be made available for public inspection.

Dated 22 February 2012



Andrew Jones
Environmental Monitoring and Licensing Manager

Licensing Services
Bath and North East Somerset Council
9 - 10 Bath Street
Bath
BA1 1SN



Equity

performing for you

Andrew Jones
 Environmental Monitoring and Licensing Manager
 Bath and North East Somerset Council
 9-10 Bath Street
 BATH
 BA1 1SN

February 24th 2012

Dear Sir,

Searcy's Restaurant Pump Rooms Abbey Churchyard Bath
Application Ref: 12/00398TABLE

I refer to the application made by Searcy's Restaurant to put tables and chairs outside the Pump Rooms in the Abbey Churchyard. Since 1984 this has been a prime venue for street entertainers whose professional interests Equity represents. I understand that the restaurant has previously made this application and that local performers objected to it, as it prevented them for performing in what is a very lucrative spot. A compromise was reached through your good offices that the tables and chairs would not be placed more than two metres from the property, thus allowing sufficient performancespace remaining in the church yard. However the owners of the restaurant last summer extended that radius without permission to nearly twice the agreed distance thus curtailing the performance space almost entirely. They did this in a very unfriendly manner by employing security guards to protect their extended boundary.

Given the lack of respect by the restaurant owners to the decision made by the Licensing Section I have been asked to contact you this year to raise a formal objection to this application. We have severe misgivings about any compromise in this matter, as it is clear the restaurant cannot be trusted to keep to it. If you are minded to agree the application on the same basis as last year we would have to ask, how would it be policed and what remedy will the performers have if their "stage" area is invaded as it was in 2011.

I am happy to come and talk to you about this if necessary as the professionals I represent feel very strongly about this matter.

Thank you,

Yours sincerely,



Christopher Ryde
 South West Area Organiser

Wales and South West England Office
 Transport House • 1 Cathedral Road • Cardiff CF11 9SD
 T 029 2039 7971 • F 029 2023 0754
 E info@cardiff-equity.org.uk
 Web equity.org.uk

Equity
 Head office Upper St Martin's Lane, London WC2H 9EG
 Independent Trade Union
 Incorporating the Variety Artists' Federation
 Affiliated to the TUC, STUC and FIA

President Malcolm Sinclair
 Vice Presidents David Cockayne, Jean Rogers
 Honorary Treasurer Bryn Evans
 General Secretary Christine Payne

24 February 2012

ENVIRONMENTAL SERVICES

2 8 FEB 2012

Post Log No:.....

Receipt No:.....

CH/CA £.....

Flat 1
11 Grove Street
Bath

BA2 6PJ

Dear Andrew Jones

I wish to make a representation to the Council regarding the application Ref. 12/00398 TABLE

I object most strongly to this application for tables and chairs for a number of reasons.

These tables and chairs have hindered artists from performing in the Abbey Churchyard by taking up the area in which they perform. Artists have been performing in the Abbey Churchyard for more than 25 years.

These performances are a valuable asset to Bath especially as a tourist attraction.

The golden era of St performing in Bath was when there were no tables and chairs outside the Pump Room. Bath used to enjoy having the best artists in the world coming to perform here as well as the best in local talent.

Since the Pump Rooms have extended the restaurant outside, the best in the world no longer come here and while some of the local talent have struggled to perform in a constricted space much of that talent has moved away.

Originally the restaurant were given an area up to 2 metres from the Pump Room building in which to put their furniture. Studs were inserted into the paving slabs to show this boundary point. The studs are still there to see.

Last year in July the restaurant moved their tables and chairs a distance of 3.54 metres from the building and put a barrier around them effectively stopping anyone from performing in the Abbey Churchyard.

There are thousands of places in England where people can eat and drink sitting outside. There are very few places, maybe half a dozen where you can enjoy and experience a quality street show. One of these places, the best outside of Covent Garden is Beth Abbey Churchyard, if the artist has space in which to perform.

As Seavey's now have another restaurant in the Abbey Churchyard with permission for 21 tables and 60 chairs, surely this area outside the Pump Rooms could be left free of furniture so that Bath can keep a major and valuable tourist attraction. After all Bath is heavily dependant on its tourists.

There are many more points I would like to make.

I propose a meeting should be held where myself and anyone else objecting could express our views.

Yours sincerely

Dominic Seavey

Mr A.Kingsbury. Professional name: OzMoses
 22 Tor View Avenue
 Glastonbury
 Somerset
 BA6 8AF

8th March, 2012.

ENVIRONMENTAL SERVICES	
12 MAR 2012	
Post Log No:
Receipt No
CH/CA £

Andrew Jones
 Environmental Monitoring and Licensing Manager
 Licensing Services
 BANES Council
 Bath
 BA1 1SN

Dear Sir,

I wish to make a representation to the Council regarding the application Ref. 12/00398TABLE

I object most strongly to this application for tables and chairs. I can not put my objections any clearer than to echo a letter of objection already submitted which is copied below.
 All I have to add to this letter is that I was one of the very few who struggled to perform in this space last year and found it unworkable. I tried to persevere with a smaller scale show as a matter of principle and to attempt to protect this very unique performance space. Added to the problem of lack of space was the aggressive policing of the placement of the advertising barrier erected around the tables and chairs by the restaurant management and the pump room security staff. I only managed to carry on through the season due to a passion for the genre and this rare performance space. Add to this the advertising boards put out by the establishments opposite I felt like I had to struggle through against strong disapproval and was exceedingly drained by the experience. This with a much reduced scale show.

I now copy the letter already submitted:

These tables and chairs have hindered artists from performing in the Abbey Churchyard by taking up the area in which they perform.

Artists have been performing in the Abbey Churchyard for more then 25 years.

These performances are a valuable asset to Bath especially as a tourist attraction.

The golden era of St performing in Bath was when there were no tables and chairs outside the Pump Room. Bath used to enjoy having the best artists in the world coming to perform here as well as the best in local talent.

Since the Pump Room have extended the restaurant outside, the best in the world no longer came here and while some of the local talent have struggled to perform in a constricted space much of that talent have moved away.

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There are thousands of places in England where people can eat and drink sitting outside. There are only a few places, maybe half a dozen where you can enjoy and experience a quality Street show. One of these places, the best outside of Covent Garden is Bath Abbey Churchyard, if the artist has space in which to perform.

As Searcy's now have another restaurant in the Abbey Churchyard with permission for 21 tables and 60 chairs, surely this area outside the Pump Room could be left free of furniture so that Bath can keep a major and valuable tourist attraction. After all Bath is heavily dependent on its tourists.

I propose a meeting should be held where myself and anyone else objecting could express our views.

Yours sincerely
 Oz Moses

P.S. Please acknowledge receipt of this letter.



72 carlyle Rd
Easton
Bristol
BS5 6HH



Dear Andrew Jones,

I wish to make a representation to the Council regarding the application Ref. 12/00398TABLE.

I would like to register an objection to tables and chairs being aloud in this space. I feel the space is far better suited as a space for street theatre which is what it has been used for at least the 26 odd years that I have been around Bath. I believe that The use of this area for street theatre has considerably contributed over the years to the tourist industry of Bath and also immensely to the vibrancy and culture of this fair city and indeed the whole south west as its use by street performers is almost unique in the area and outside of covent Garden I struggle to think of anywhere in the UK where such talent can be seen on the street all year round. It is such a shame that since the late nineties this space has been compromised by the encroachment of restaurant tables and chairs which has meant that many acts simply no longer have the space to perform and the acts that do still perform are seriously compromised. This is a great loss to the culture and image of Bath. I know for a fact that in the past Bath has had a world wide reputation for great street theatre but has sadly lost this in the last decade. I would therefore ask you to seriously consider restoring this space to a dedicated performance area.

Yours sincircusly

Kwabana Lindsay
(Lindsay Hurd)

From: noelbritten@talk21.com [mailto:noelbritten@talk21.com]

Sent: 20 March 2012 05:44

To: Licensing

Subject: RE 12/00398TABLE

12/00398 TABLE

Dear Mr Jones

I have just returned from overseas to find out about the application for licensing tables and chairs outside the Pump Rooms.

I hope that you and your colleagues will take the points made in this email into consideration in your decision.

Bath has a rich history of street performing and the licensing of tables and chairs will cover what is considered to be one of the best "pitches" in the country. I know full well that there are many people opposed to it being used for such a purpose but the number of spectators at each show can only show the huge demand that there is for such entertainment from the majority.

Street performing helps to enliven the environment and create a unique atmosphere, which can only help to differentiate Bath as a 'destination' City when it comes to making a choice between shopping town centres. In these days of the homogenisation of the look of High Streets across the country with the same chains stores, retail outlets and branded restaurant appearing almost in the same configurations, *everything* that can help Bath look different and more attractive to shoppers and visitors must be of benefit.

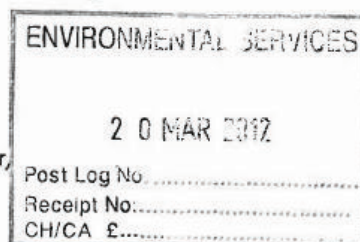
It saddens me that a City that is home to two internationally recognised and acclaimed street performing groups in the shape of The Natural Theatre Company and Bizarre Bath, many of whose performers first performed and busked on the streets of Bath, is effectively eliminating one of the areas where street performing can take place in the City.

Mary Portas in her report on the decline of town centres stressed the need to create an atmosphere that will draw people back from out of town retail parks and superstores. By allowing tables and chairs to cover the Abbey Churchyard you will be effectively stopping an element that does just that.

I hope that you will seriously consider the points made in this email.

Yours sincerely, Noel Brickman

Mr. Andrew Jones
 Environmental Monitoring and Licensing Manager,
 Licensing Services,
 BANES Council,
 Bath,
 BA1 1SN



Matt Pang
 94A Hillside Road,
 St George,
 Bristol,
 BS5 7PF

E: contact@mattpang.co.uk
 T: 07762072463

20th March 2012

Dear Mr. Andrew Jones,

I wish to make a representation to the Council regarding the application Ref. 12/00398TABLE

I strongly object to the application for tables and chairs to be placed outside the Pump Rooms. The tables and chairs have been a constant problem for Artists who wish to perform in the Abbey Church yard as they restrict the space where the performers perform. Street Theatre is one of the only art forms which is genuinely accessible to the whole general public, it's a chance for the public to see Artists from all over the world which they may never have the chance to see in any other way. The demand for outdoor arts is growing in the UK as it becomes recognized for being accessible and providing opportunities to see quality performances with great ease.

Bath is one of the few spots left in the UK where Street Theatre happens on a regular basis for all to enjoy, not only is it a major tourist attraction it is also a growing ground for new, up and coming artists, who have the opportunity to work alongside well-established world-class acts gaining a wealth of experience.

As a tutor at Circomedia, Europe's leading centre for Circus with Physical Theatre, I annually bring students to Bath Abbey to perform as part of the Street Theatre Module on the Circomedia degree course. Last year we came and found the Chairs and Tables outside the Pump Rooms, these caused a huge problem and massively hindered the experience for the students.

Not only is Bath known, talked about and recognized as one of the top spots for Street Theatre in the country, it plays a big part in the growth of the street arts sector. Many new artists are instantly put off by a bad experience caused by the restrictions the Chairs and Tables outside the Pump Rooms cause and likewise many well-established, quality, professional acts move off to other places as the Tables and Chairs ruin the performance space. The outdoor arts are growing and it would be a shame if Bath couldn't be recognized as a growing ground for the arts and a place to see artists from all over the world.

Bath is lucky to be in the position it is – having the best artists from around the world coming to the city at no extra cost to provide high quality arts to its locals and tourists. I believe everything possible should be done to aide and accommodate for the unique experience that street theatre brings to anyone and everyone.

I would like to be informed of any meeting regarding this subject.

Yours sincerely,

Matt Pang

12th April 2012

ENVIRONMENTAL SERVICES
1 2 APR 2012
Post Log No:
Receipt No:
CH/CA £.....

11 Grove Street
Bath
BA2 6PJ

Ref: 12/00398/TABLE

Dear Mr Bartlett.

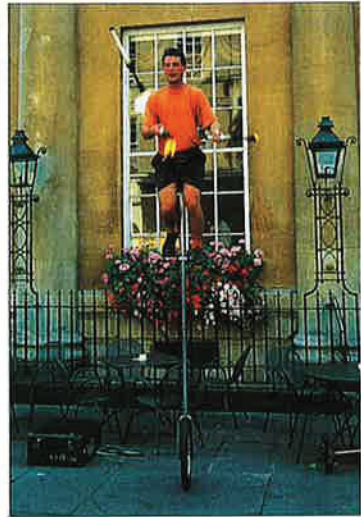
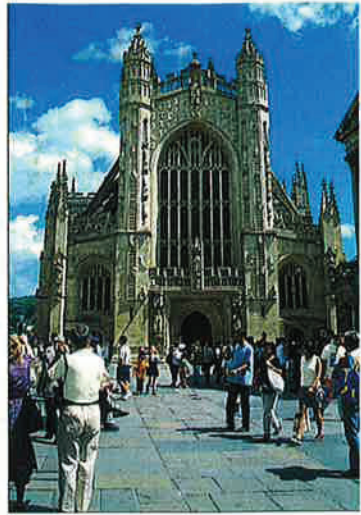
Please find enclosed documentary evidence to be used in relation to my objection for permission to place tables & chairs on the Highway at Searcy's restaurant Pump Room Abbey Churchyard Bath BA1 1LY.

The first document is a photo copy of the Bath Chronicle dated July 14 1999 reporting a compromise which was arrived at by your offices.

The second is a photocopy of a postcard of the Abbey Churchyard sold in Bath in 2000. In the picture you can see me performing in front of tables & chairs, which are 2 metres out from the building.

Yours sincerely

Dominic Searle



BATH

Sisters still at the top

● From page 1
line for many of the residents of St Clement's Court - providing vital access to the laundry and garden and all three floors.

Teddie said it was vital that older people were not forgotten, and continued to receive help and maintain as much independence as possible.

She said: "Our main concern is that not enough is done for older people."

"A lot of people do charity work for children, and that is great but we were concerned about how little is done for the older generation."

"It's wonderful to see older people being helped and putting in a stairlift is such a simple thing."

"We are all in the queue for that sort of thing, if we are lucky enough to live that long."

Older sister Joy, who hit the headlines when she married footballer Billy Wright, said they were all pleased to be in Bath.

She said: "What a pleasure it is to come to this beautiful

place. "We have often passed through but we have not actually stopped here, but it has been a wonderful day and they are wonderful people."

The sisters - who never reveal their ages - are enjoying performing once again, and taking full advantage of all the new technology available today.

Teddie said: "We had it tougher because we had to sing live and we had one microphone between us."

"These days the performers can mime or be dancing around."

"But the good thing is now that we are performing again we have got it easier as well - we have got all the advantages."

■ **RIDING HIGH:**
The Beverley Sister join the home's oldest resident, Alice Robertson, for a trip on the new lift

PICTURE: Kevin Bates



MISSED DEADLINE: entertainers not allowed to put their views

Busking pitch row in compromise deal

By Claire Norman

A ROW between city centre buskers and a restaurant firm over outdoor tables and chairs has finally been settled.

Milburns Restaurants applied to Bath and North East Somerset Council for permission to extend its outdoor seating area next to the Pump Room by a metre, allowing more people to take advantage of alfresco dining.

But the city's world-famous street entertainers said the move would ruin the best busking pitch in the country outside London.

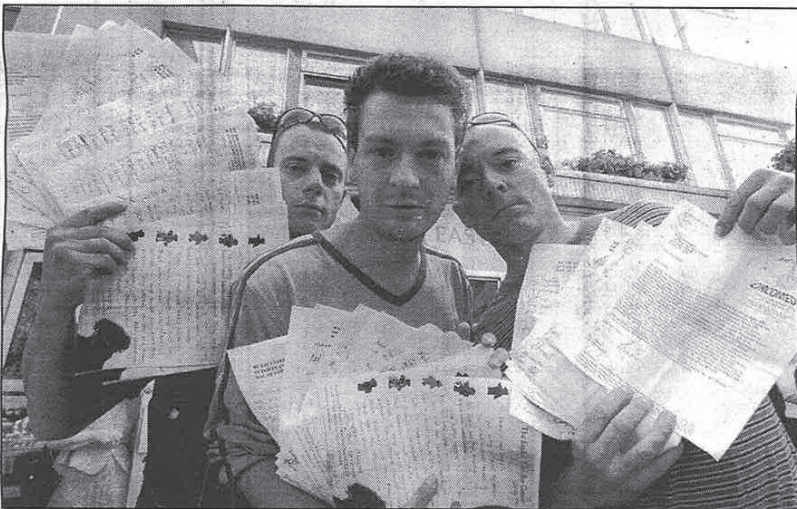
Yesterday B&NES licensing sub committee settled on a compromise - the tables and chairs can take up more space during the week, but will have to be pulled back at the weekend.

Celebrations among the buskers began shortly after yesterday's ruling. Pete Gazeley from street entertainers Skate Naked said he was very pleased.

"I'm happy that they finally took some notice of us, and all the businesses and members of the public who supported us."

The three-strong sub committee took ten minutes to come to with the solution, which was made without Skate Naked officially being allowed to have their say.

They had missed the deadline by which public protests over the Milburns application could be made.



■ **COMPROMISE OUTCOME:** satisfied buskers, Pete Mad, Dominic Searle and Paul Bad

But the duo - along with street entertainers' spokesman Charlie Dancey - still managed to make their views known. They were furious they had not been allowed to speak, and as councillors asked them to leave while the decision

was made, they had their say from the public gallery.

"But not allowing us to speak this meeting has closed its eyes to various options," Mr Dancey told the committee.

"We have done everything we

possibly can apart from meeting the 28-day deadline, which we did not know about. There are people's livelihoods at stake here."

Jason Lee from Milburns did not want to comment on the decision.



■ **IN ACTION:** Pc Glyn Jones with his dog Bruce

Crime crackdown gets results

● From page 1
chosen to concentrate on car crime because it's something that affects everyone that drives a car.

"Drivers always have it at the backs of their minds and it's such a prevalent crime - everybody seems to know someone who has had their car broken into."

"People are aware of the risks but are not taking the precautions."

Coded car stickers which can be fixed on hidden parts of the vehicle are also being made available during the campaign from Halfords stores.

Yesterday dog handlers were on patrol to spread the message to all drivers in the area.

Visitors have not been forgotten either with warnings printed in eight languages on city maps handed out at guest houses.

Over the next ten days, car parks between Bath and Keynsham including those of all the pubs in Saltford will be under scrutiny by police officers.

Remote guests houses and their car parks in the Chew Valley area will also be targeted.

Sgt Stuckes said: "People do have a sense that they are safer in the country for some reason and we have got a serious problem out there - more so than Bath."

In Brief

Lock-up warning

Bath: Police have warned people to make sure they shut windows when they leave their homes after a thief sneaked into a Bath house.

The burglar climbed in through an open ground floor window at the house in Sedgemore Road yesterday and stole around £80.

£4,700 deception

Bath: A teenager from Twickenham will appear before Bath magistrates next month. The 19-year-old is accused of deception involving the sum of £4,700.

Family service

Keynsham: Three generations of one family will gather in a Keynsham church this weekend for a unique service.

When babies Martha, James and Sophie Morton take part in a ceremony called Dedication to the Lord at Elim Pentecostal Church in Balmoral Road they will be watched over by no less than four ministers - all from their own family.

Pastor Des Morton is preparing to welcome his son David and his two nephews Haydn and Ryan - all team ministers at the church - and their respective children for a special infant blessing.

It is the first time a triple infant dedication like this has taken place in the church.

Road closed

Bath: Part of Gay Street in the centre of Bath was cordoned off last night following a two-vehicle collision. No one was injured in the incident.

Cot thefts

Keynsham: Police are hunting thieves who stole 47 Baby Made Opal cots along with 16 electric cot rockers, 30 Rex-make children's cycling helmets and 20 Duff's hot water bottles from Burnett Business Park, Keynsham, between July 3 and 9.

Scouts sale

Bath: A jumble sale to help scouts in Bath will be held in October. Donations of jumble will be collected in the week leading up to the event on October 2.

The sale will take place at the Central United Reform Church in Argle Street.

More Local News on page 4

TRANQUILLITY CAT SANCTUARY



OSCAR AGE 10

A beautiful Siamese boy with a lovely personality.

He has had his fair share of health problems and the recent loss of his sister is causing him to tear out his fur. He is now having aromatherapy which is helping.

CAN YOU HELP US TO HELP CATS LIKE OSCAR?

For information about sponsoring and enquiries
• **TRANQUILLITY SANCTUARY** •
THE OLD SCHOOL HOUSE • KELSTON • BATH
BA1 9AG
TEL: DIANA (BATH) 01225 313099

08957

13th April 2012

ENVIRONMENTAL SERVICES
13 APR 2012
Post Log No:
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11 Grove St
Bath
BA2 6PJ

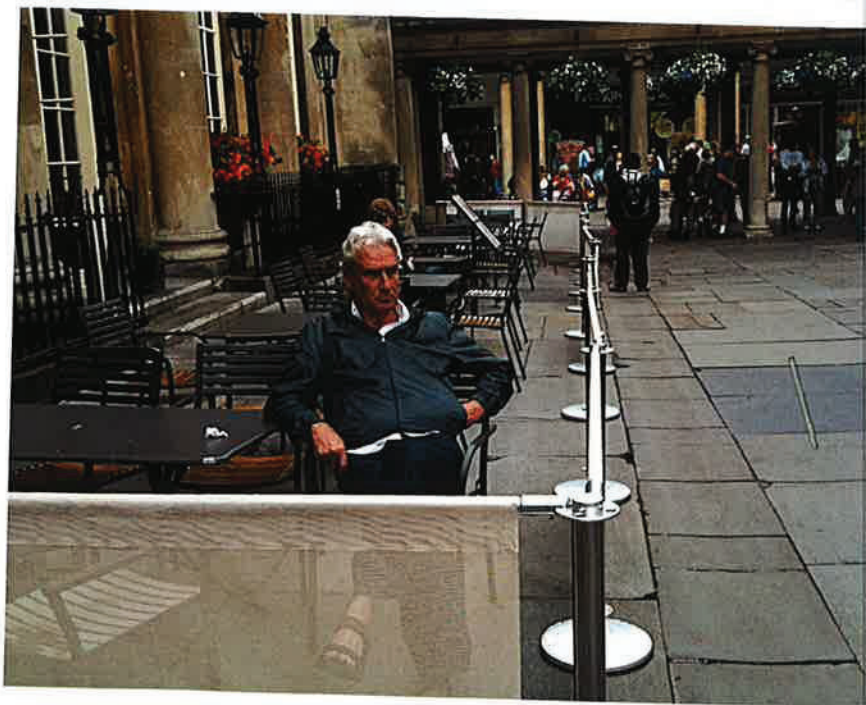
REF 12/000398/TABLE

Dear Mr Bortlett,

Please find enclosed
documentary evidence.

Yours sincerely

Dominic Searle



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Agenda Item 8

Licensing (Taxis, Street Trading & Miscellaneous) Sub Committee Hackney Carriage (taxi) and Private Hire Drivers Hearing Procedure

1. The Chair will introduce Members of the Sub-Committee, introduce the Officers present, explain the procedure to be followed and ensure those present understand that procedure.
2. The Licensing Officer will outline the nature of the matter to be considered by the Sub-Committee.
3. The Applicant is asked to leave the room while the Sub-Committee consider the CRB check, references and statement.
4. The Applicant (or his/her representative) addresses the Sub-Committee.
5. The Applicant may be asked questions about the matter by the Sub-Committee.
6. The Applicant (or his/her representative) may call witnesses in support of their case and each witness may also be asked questions.
7. The Chair will ask the Licensing Officers present whether they wish to make any comments. If the Officers makes comment they may be asked questions.
8. The Applicant will be invited to make a closing statement.
9. The Sub-Committee withdraw to private session to consider their decision. The Sub-Committee may reconvene to resolve any points of uncertainty on matters already raised. The Sub-Committee will be accompanied for advice only by the Legal Adviser and Democratic Services Officer.
10. The Sub-Committee will return to the meeting room and the Chair will announce the Sub-Committee's decision with reasons and advise that the decision will be released in writing within the statutory time limits.
11. Where the Sub-Committee attach conditions to the licence the Sub-Committee will detail those conditions.

PLEASE NOTE:

- Where the Sub-Committee considers it necessary the procedure may be varied.
- In circumstances where any party fails to attend the Sub-Committee will consider whether to proceed in that party's absence or defer to the next meeting on notice to all parties that the matter may proceed in a parties absence on the next occasion. In deciding whether to proceed all notices and representations will be considered.
- Only in **exceptional circumstances** will the Sub-Committee take into account any additional late documentary or other information produced by an existing

party in support of their application/representation. This will be at the discretion of the Chair and with the agreement of all the other parties. No new representations will be allowed at the hearing.

- The Sub-Committee will disregard any information or representation given by a party they consider not to be relevant to an Application.
- The hearing will take the form of a discussion and the Sub-Committee will allow all parties to ask questions of other parties present. However, formal cross examination will be discouraged although supplementary questions may be asked for clarification purposes.
- If any person has special needs regarding access, hearing or vision, this should be brought to the Licensing Authority's attention prior to the hearing in order that reasonable adjustments can be made.
- Parties will be allowed an equal maximum period of time to make representations. Although time limits will be at the discretion of the Chair, in the interests of costs and efficiency, this will not normally exceed **twenty minutes** and will include both case presentation and summing up. The time limit will not include the time taken for questions.

N.B.

1. Where there is more than one party making relevant representations the time allocated will be split between those parties and it is therefore recommended parties arrive early to discuss the application with other interested parties.
 2. Where several parties make the same or similar representations one representative should be appointed to make the representations.
 3. Where an objection is made by an association or local residents group, a duly authorised person – as notified to the Licensing authority – may speak on behalf of that association or local residents group.
- The Chair may require any person attending the hearing who is behaving in a disruptive manner to leave the hearing and refuse to allow that person to return, or only allow them to return subject to certain conditions. Any person so excluded will however be entitled to submit to the Sub-Committee any information which they would have been entitled to give orally had they not been required to leave.
 - Bath & North East Somerset Council is committed to taking decisions in an honest, accountable and transparent fashion, but on occasion may find it necessary to exclude members of the press and public based upon the legal framework given in the Local Government Act 1972 Schedule 12 (a). On these occasions decisions based on the above framework will be given.

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Agenda Item 10

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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Agenda Item 11

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