

Democratic Services

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Date: 24 August 2012

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

Councillor Sarah Bevan
Councillor Gabriel Batt
Councillor Bryan Chalker

Chief Executive and other appropriate officers
Press and Public

Dear Member

**Licensing (Taxis, Street Trading and Miscellaneous) Sub-Committee: Tuesday, 4th
September, 2012**

You are invited to attend a meeting of the **Licensing (Taxis, Street Trading and
Miscellaneous) Sub-Committee**, to be held on **Tuesday, 4th September, 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, 4th
September, 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

At this point in the meeting declarations of interest are received from Members in any of the agenda items under consideration at the meeting. Members are asked to indicate:

(a) The agenda item number in which they have an interest to declare.

(b) The nature of their interest.

(c) Whether their interest is **a disclosable pecuniary interest** *or* **an other interest**, (as defined in Part 2, A and B of the Code of Conduct and Rules for Registration of Interests)

Any Member who needs to clarify any matters relating to the declaration of interests is recommended to seek advice from the Council's Monitoring Officer before the meeting to expedite dealing with the item during the meeting.

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

5. LICENSING PROCEDURE - HACKNEY CARRIAGE (TAXI) AND PRIVATE HIRE DRIVERS HEARING (Pages 5 - 6)

6. 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”.

7. APPLICATION FOR HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE:-
MR AVP (Pages 7 - 14)

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

MR VVB (Pages 15 - 22)

9. CONSIDERATION OF COMPLAINT RECEIVED :- MR A N F (Pages 23 - 34)
10. RETURN TO OPEN SESSION
11. APPLICATION FOR A STREET TRADING CONSENT - BROAD STREET CHRISTMAS MARKET, LOWER BROAD STREET, BATH (SARAH MANSFIELD, ST MICHAELS CHURCH/MILSOM PLACE LTD) (Pages 35 - 58)

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

Agenda Item 5

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) 1, 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Agenda Item 7

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By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Agenda Item 8

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By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Agenda Item 9

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Bath & North East Somerset Council	
MEETING: Licensing (Taxis, Street Trading and Miscellaneous) Sub Committee	
DATE: 4 September 2012	AGENDA ITEM NUMBER
TITLE: Application for a Street Trading Consent - Broad Street Christmas Market, Lower Broad Street, Bath (Sarah Mansfield, St Michaels Church/Milsom Place Ltd)	
WARD: Abbey	
AN OPEN PUBLIC ITEM	
List of attachments to this report:	
Annex A Application	
Annex B Site Plan	
Annex C Council's Standard Conditions and Policy	
Annex D Highways Notice	
Annex E Objections	

1 THE ISSUE

- 1.1 An application has been received for a Street Trading Consent for a Christmas Market at Lower Broad Street, Bath. The application is for 12 stalls for a period between the 22nd November and the 9th December 2012 (18 days).

2 RECOMMENDATION

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

3 FINANCIAL IMPLICATIONS

- 3.1 The costs of processing licences are covered by the fees charged. The fee for this application is £131.

4 THE REPORT

- 4.1 An application has been received for a street trading consent For a Christmas Market at Lower Broad Street, Bath (Annex A). A site plan is attached at Annex B.

- 4.2 The type of goods to be sold are arts and crafts, handmade Christmas gifts, food and drink, mulled wine, ceramics, glass, clothing, wooden gifts, accessories and toys.
- 4.3 The size of each stall is 3 m x 2.5 m. There are 12 stalls in total.
- 4.4 The type of each stall is a single unit using Canopies.
- 4.5 The period applied for is from Thursday 22 November to Sunday 9 December 2012 inclusive and for the following times:

Mondays to Wednesdays from 10:00 to 19:00 hours

Thursdays to Saturdays from 10:00 to 21:00 hours

Sundays from 11:00 to 18:00 hours

- 4.6 All streets in Bath and North East Somerset are designated as 'consent streets'. The effect of this is that, with certain exceptions, selling, exposing, or offering for sale any article in a street requires a street trading consent issued by the Council. Persons trading without a consent are liable to prosecution for an offence and if convicted can be fined up to level 3 on the standard scale, currently £1000.
- 4.7 Street Trading consents are issued under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.
- 4.8 Paragraph 7 of Schedule 4 provides that:
- (1) An application for a street trading consent or the renewal of such a consent shall be made in writing to the district council.
 - (2) Subject to sub-paragraph (3) below, the council may grant a consent if they think fit.
 - (3) A street trading consent shall not be granted-
 - (a) to a person under the age of 17 years; or
 - (b) for any trading in a highway to which a control order under Section 7 of the Local Government (Miscellaneous Provisions) Act 1976 is in force, other than trading to which the control order does not apply.
 - (4) When granting or renewing a street trading consent the council may attach such conditions to it as they consider reasonably necessary.
 - (5) Without prejudice to the generality of sub-paragraph (4) above, the conditions that may be attached to a street trading consent by virtue of that sub-paragraph include conditions to prevent-
 - (a) obstruction of the street or danger to persons using it; or
 - (b) nuisance or annoyance (whether to persons using the street or otherwise).

- (6) The council may at any time vary the conditions of a street trading consent.
- (7) Subject to sub paragraph (8) below, the holder of a street trading consent shall not trade in a consent street from a van or other vehicle or from a stall, barrow or cart.
- (8) The council may include in a street trading consent permission for its holder to trade in a consent street-
 - (a) from a stationary van, cart, barrow or other vehicle; or
 - (b) from a portable stall.
- (9) If they include such a permission, they may make the consent subject to conditions-
 - (a) as to where the holder of the street trading consent may trade by virtue of the permission; and
 - (b) as to the times between which or periods for which he may so trade.
- (10) A street trading consent may be granted for any period not exceeding 12 months but may be revoked at any time.
- (11) The holder of a street trading consent may at any time surrender his consent to the council and it shall then cease to be valid.

4.9 A copy of the Council's Street Trading Policy and Conditions is produced at Annex C.

4.10 This report has not been sent to the Trades Union because they would have no involvement in this application.

4.11 A notice was placed on the highway on 26 July 2012 (Annex D).

4.12 Objections have been received from

- Peter James of Rossiters Bath Ltd in Broad Street
- Sue Shannon of Shannon in Walcot Street
- Caroline Vincent & Jenny Carruthers of Kiss The Frog in Broad Street
- Martin Tracy of the Framing Workshop in Walcot Street
- Cllr Manda Rigby – Ward Councillor

(Copies of all objections are attached at Annex E).

5 RISK MANAGEMENT

- 5.1 A risk assessment related to the issue and recommendations has been undertaken, in compliance 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, Development Control Services and Ward Councillors. The Highways Agency is also consulted for applications involving trunk roads outside the city centre.

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	Andy Tapper, Licensing Officer Telephone 01225 477533
Background papers	None
Please contact the report author if you need to access the report in an alternative format.	

APPLICATION

From: Fergus Hobbs [<mailto:fhobbs@lrgroup.co.uk>]
Sent: 24 July 2012 18:10
To: Andrew Tapper
Cc: Alex McLaren; Sarah Mansfield
Subject: St. Michael's Place: Xmas market application

Andy
Please see attached – is the information provided what you need?
Talk soon
Regards
Fergus

Fergus Hobbs
L & R Group
Office: 01225 789201 (direct)
Mobile: 07970 793204

This email is confidential and intended for the addressee(s) only. If you are not an addressee please promptly notify the sender and delete the message; do not use the content in any other way. Any attachment has been checked for viruses, but please use your own virus checker and procedures as a safeguard.

APPLICATION

St. Michael's Place Christmas Market

Application For Street Trading Licence

Details of Application

Applicants

St Michael's Church and Milsom Place Limited

Overview

The introduction of street trading into this location during the period of the Christmas market has been prompted by the desire to spread the Christmas market effectively around the city, and it also links with an objective of the Public Realm & Movement programme which is to remove traffic from a part of this road on a temporary experimental basis.

The successful Christmas market is being extended to Bath Street and to Milsom Place for the 2012 Christmas period, so that footfall around the city is increased and pressure on the spaces around the Abbey is relieved. St Michael's Place is a natural location to complete the trading and visual connection between the stalls around the Abbey and those in Milsom Place.

St Michael's Church has long held a successful Christmas card sale and has been keen to have a stronger presence outside the church particularly at this time.

There is strong councillor and officer desire to trial a temporary reduction of traffic in Lower Broad Street. This is with a view to test whether shared pedestrian/vehicle use of this space would be viable in the long term. Street trading can animate and make use of this space during this closure time.

Bath Tourism Plus, operator of the main Christmas Market, is aware of and supportive of this application and the logic for it.

Area For and Location of Stalls

See attached plan

Number of Stalls

12 as shown on plan

Goods to be Sold

Gifts, arts and crafts, cards, food and drink, ceramics, glass, accessories and toys.

Stall Design

The stall will comprise a table and parasol to be supplied by Zapp of Chippenham and as seen in other locations around the city and shown overleaf.

The stall dimensions are 3m x 2.5m

APPLICATION

**Dates and Hours of Trading**

The dates requested are to match the Christmas market and are from Thursday 22nd November to Sunday 9th December inclusive. The times we are requesting are as follows:

Thursday 22 Nov	10.00 – 20.00	Saturday 1 Dec	10.00 – 20.00
Friday 23 Nov	10.00 – 20.00	Sunday 2 Dec	10.00 – 17.00
Saturday 24 Nov	10.00 – 20.00	Monday 3 Dec	10.00 – 18.00
Sunday 25 Nov	10.00 – 17.00	Tuesday 4 Dec	10.00 – 18.00
Monday 26 Nov	10.00 – 18.00	Wednesday 5 Dec	10.00 – 18.00
Tuesday 27 Nov	10.00 – 18.00	Thursday 6 Dec	10.00 – 20.00
Wednesday 28 Nov	10.00 – 18.00	Friday 7 Dec	10.00 – 20.00
Thursday 29 Nov	10.00 – 20.00	Saturday 8 Dec	10.00 – 20.00
Friday 30 Nov	10.00 – 20.00	Sunday 9 Dec	10.00 – 17.00

Consultation

All local businesses and residents will be visited by a representative of St Michael's Church and/or Milsom Place to discuss the proposals.

Additional Features

- An entertainment programme
- Christmas trees and Christmas decorations. Broad Street has no Council Christmas decorations despite being a strong retailing street in the city.
- Sensitive temporary lighting to uplift the overall ambience
- Appropriate Christmas planting

Management

The area will be managed by the Milsom Place operations team. A duty manager will be present at all times during trading hours, set up and take down. Milsom Place have a great deal of experience in managing trading areas such as this having successfully staged 3 food events a year with up to 25 stalls, chefs' theatres, music for the opening night of Party in the City, fashion shows, talks, exhibitions and corporate events in and around the buildings and courtyards of Milsom Place on a regular basis, in addition to providing services to and managing the areas in and around the Milsom Place shops and restaurants on a daily basis.

Stalls will be set up and taken down at the start and finish of each day of trading.

APPLICATION

Storage

Secure storage for stalls and traders stock will be provided in Milsom Place.

Traffic Management

The Highways department and Major Projects will provide a traffic management plan and carry out the necessary works.

Power Supplies

The temporary power supplies to the stalls would be installed by the company that currently services the main Christmas market on behalf of Bath Tourism Plus.

Economic Benefit

During the period of the Christmas market there is further potential to move the additional visitors to the city further around the retail areas. Two areas in particular, Broad Street and Walcot Street have far greater potential to benefit than is currently the case. In pedestrianising the area in front of St Michael's, lighting the church and providing decorations and entertainment, footfall will be drawn up from the Abbey and other parts of the city and fed through these less visited streets.

Risk Assessment

A risk assessment will be supplied.

Additional Information

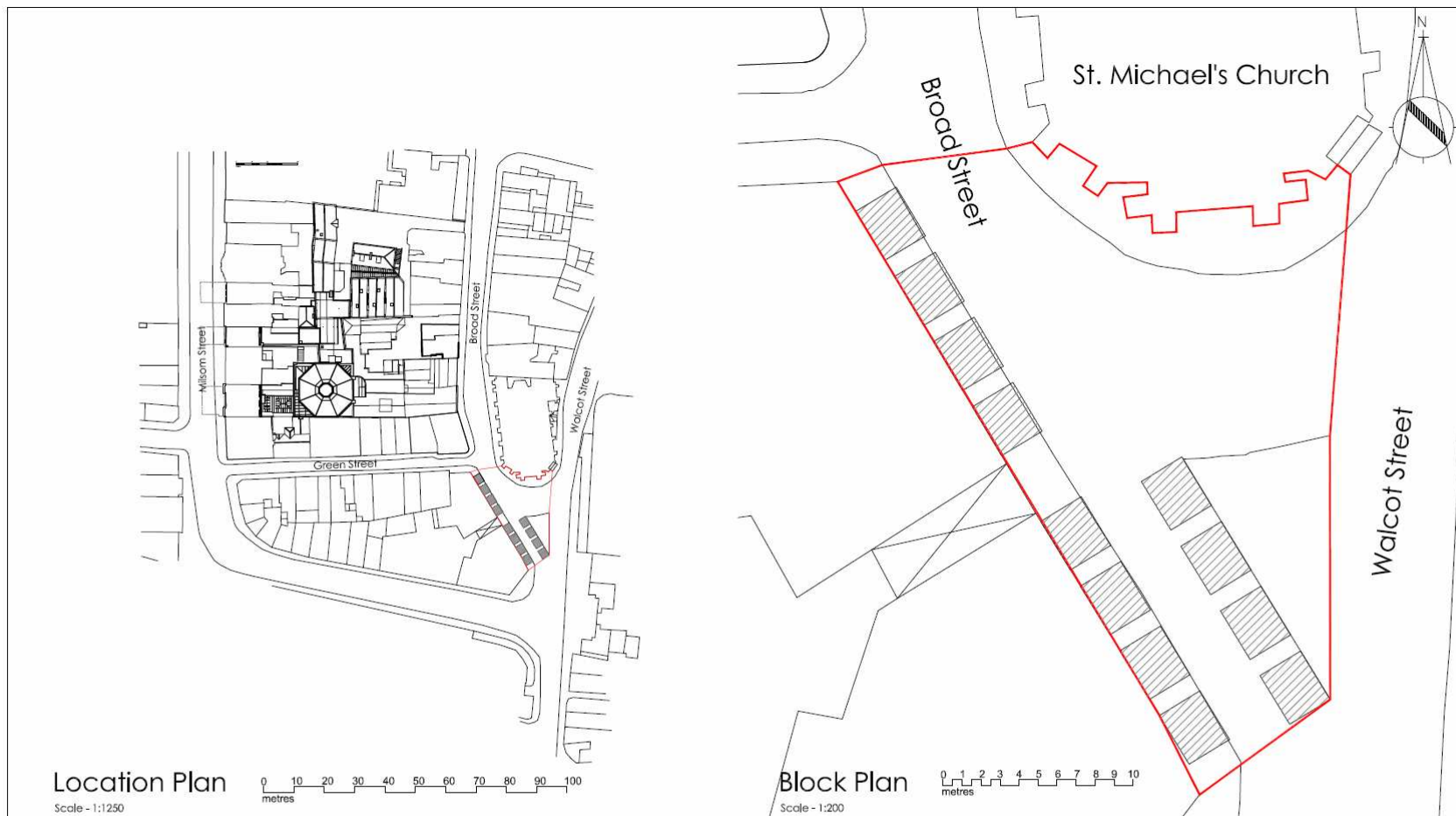
Site Plan

APPLICATION

**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982
APPLICATION FOR STREET TRADING CONSENT**

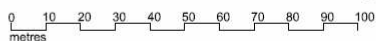
1	Name, address, date of birth and National Insurance number of each applicant	St. Michael's Church / Milsom Place Ltd. 41 Milsom Place Bath BA1 1DN
2	Contact: telephone number email	01225 789000 smansfield@lrgroup.co.uk
3	Trading Name	Bath Christmas Market
4	Trading Dates	from: 22 nd November 2012 to 9 th December 2012
5	Trading days and hours	Monday to Wednesday from 10:00 to 19:00 Thursday to Saturday from 10:00 to 21:00 Sunday from 11:00 to 18:00
6	Articles for sale	Arts and crafts, handmade Christmas gifts, food and drink, mulled wine, ceramics, glass, clothing, wooden gifts, accessories and toys
7	Stall type	12 single retail units
8	Dimensions	3m x 2.5m
9	Details of <u>each</u> person authorised by you to work on your stall.	To be provided at a later date

APPLICATION



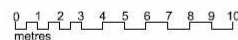
Location Plan

Scale - 1:1250



Block Plan

Scale - 1:200



architecture • design

martin blake associates 4 miles's buildings bath ba1 2qs tel 01225 42 89 77
e-mail mba@mba-architecture.co.uk

Project		
Milsom Place, Bath, BA1 1DN		
Drawing Title		
Block Plan/ Location Plan		
Drawn by	Date	
	May 2012	
Scale	Drawing number	Revision
as shown @ A3	128/BSM/01	
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SITE PLAN

See applicant's plan at Annex A above.

STREET TRADING POLICY

1 Purpose

- 1.1 The Council's street trading policy is to create a street trading environment which complements premises-based trading, is sensitive to the needs of residents, provides diversity and consumer choice, and seeks to enhance the character, ambience and safety of local environments.**

2 What is Street Trading?

- 2.1 Street trading means selling, exposing or offering for sale any article in a street. The term 'street' includes any road, footway or other area to which the public have access without payment.**
- 2.2 Bath & North East Somerset has adopted Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 for the whole of its area and has designated all streets in the area as 'consent streets' for street trading purposes.**
- 2.3 The effect of this designation is that street trading in any street is prohibited, subject to legal exemptions, without first obtaining a street trading consent from the Council.**

3 Exemptions from the need to obtain a Consent

- 3.1 Some types of trade are legally exempt from the need to obtain a street trading consent. These include:**
- a) a pedlar trading under the authority of a pedlars' certificate**
 - b) trade carried out by roundsmen e.g. milkmen**
 - c) trade carried on at a petrol filling station**

4 Street Trading Consents for which fees are not payable

- 4.1 Bath & North East Somerset will not require the payment of fees for the following street trading activities:**
- a) fetes, carnivals or similar community based and run events**
 - b) non-commercial or charitable events**
 - c) farmers markets (producer-managed marketplace for local producers to sell their own produce direct to local people)**
 - d) sales of articles by householders on land contiguous with their homes**

5 Site Assessment

- 5.1 The Council will identify suitable ‘pitches’ for street trading and will also consider applications from individuals to create new pitches in specific locations if the applicant can demonstrate a clear demand for the goods or service he/ she would provide.**
- 5.2 Consents may also be issued to mobile artists who sketch or paint, sell their own work and move from location to location.**
- 5.3 In determining whether to create a street trading pitch the Council will have regard to:**
- a) any effect on road safety, either arising from the siting of the pitch or from customers visiting or leaving**
 - b) any loss of amenity caused by noise, traffic or smell**
 - c) existing Traffic Orders e.g. waiting restrictions**
 - d) any potential obstruction of pedestrian or vehicular access**
 - e) any obstruction to the safe passage of pedestrians**
 - f) the safe access and egress of customers and staff from the pitch and immediate vicinity**

6 Consultation

- 6.1 Before a new pitch is created the Council will consult and seek written observations from:**
- i) occupiers of premises immediately adjacent and opposite**
 - ii) ward councillors**
 - iii) parish or town council**
 - iv) Avon & Somerset Constabulary**
 - v) Development Control (B&NES)**
 - vi) Highways (B&NES)**

The Council will also consider any responses received in relation to public notices on the highway.

- 6.2 Any objection from consultees will be assessed against the criteria in 5.3 above and may be referred to the Regulatory (Licensing) Committee for determination.**
- 6.3 Any proposed change to standard conditions (see 10.1 below) will be consulted with consent holders and others, if relevant.**

7 Nature of Goods and Trading Hours

- 7.1 The nature of goods which may be sold from any pitch will be specified in the consultation process. Any subsequent substantial change will be subject to the level of consultation in 6.1 above.**

- 7.2** The Council would not normally grant a consent for the sale of goods or services which conflict with those provided by nearby shops.
- 7.3** Goods will normally consist of craftwork, fresh flowers, ice cream or soft drinks. Other types including services will be considered on a pitch by pitch basis and have particular regard to local needs shopping, product/ service diversity and balance.
- 7.4** Street trading hours will normally mirror those of shops in the immediate vicinity. In the case of hot food takeaways trading hours will be determined on a pitch-by-pitch basis.
- 7.5** The design and appearance of the stall, barrow, van or cart etc. used must be agreed by the Council's Head of Environmental and Consumer Services.
- 8** Issue of Street Trading Consents
- 8.1** Street trading consents will normally be issued for a period of three months. Consents for shorter periods may be issued for block bookings for the purpose of organised street markets and for mobile street artists.
- 8.2** Consents will be issued for a minimum of six days per week, unless the applicant can provide an alternative scheme acceptable to the Head of Environmental and Consumer Services.
- 8.3** Fees for consents must be paid in full in advance. In the case of renewals, payments must be made on a quarterly basis and be due on or before the following dates:
- 1 January
 - 1 April
 - 1 July
 - 1 October
- 8.4** Failure to maintain payments as above may result in the consent not being renewed.
- 8.5** Where a consent has expired the pitch will become subject to paragraphs 8.6 and 8.7 below.
- 8.6** When an existing or new pitch becomes available, the Council will publish a notice inviting applications for the said pitch. The notice will be carried by one or more of the following: local newspaper, local radio, Council website; it may also be carried by other local publications.
- 8.7** Applications will be determined by the Head of Environmental and Consumer Services in consultation with the Executive Members for Economic Development & Environment and for Community Safety, Housing and Consumer Services. Each pitch will be offered to the applicant whose proposal is considered most suitable for the particular pitch. If no suitable application is received the pitch will be re-advertised.

8.8 A consent will not be issued to a person who is not aged 17 years or over, or to anyone on account of misconduct or for any other appropriate reason is unsuitable to hold a consent.

9 Fee Structure

9.1 The fee structure will primarily reflect pitch location, trading days and hours. Other matters to be taken into consideration will include local needs shopping.

9.2 The Head of Environmental and Consumer Services in consultation with the Executive Member for Community Safety, Housing and Consumer Services has delegated authority to set fees and to annually review the fee structure.

10 Conditions and Enforcement

10.1 Standard conditions will be attached to every street trading consent detailing the holder's responsibilities to maintain public safety, avoid nuisance and generally preserve the amenity of the locality.

10.2 Specific conditions will also be attached such as the days and hours when street trading is permitted, the goods which may be sold and the size of the pitch.

10.3 Failure to comply with conditions may lead to revocation or non-renewal of a consent.

10.4 Persons trading without a consent and who are not exempt (see 3.1 above for examples) will be the subject of enforcement action in accordance with the Environmental and Consumer Services Enforcement Policy.

11 Social Inclusion

11.1 The Council will, where possible, give priority to the provision of consents to disabled persons and to those from minority ethnic groups.

12 General

12.1 Through its tourism service and by other means, the Council will seek opportunities to promote street trading activities.

12.2 This policy will complement and inform other Council initiatives including those on street markets and life in the public realm.

12.3 This policy will be the subject of periodic monitoring and review.

12.4 This policy will inform the detailed conditions attached to every street trading consent.

12.5 This policy will be applied in a manner which is consistent with the Council's equalities policies.

STREET TRADING CONSENT - GENERAL CONDITIONS

- 1 The holder of this Consent (which expression where appropriate includes joint holders of this Consent) and any person employed by him to assist him in his trading, shall produce it on demand when so required by a Police Officer or a duly authorised officer of the Bath & North East Somerset Council.**
- 2 The holder shall return this Consent to the Bath & North East Somerset Council immediately on revocation or surrender of the Consent.**
- 3 The holder shall not trade otherwise than strictly in accordance with this Consent.**
- 4 The holder shall notify the Head of Environmental and Consumer Services at Bath & North East Somerset Council, 9-10 Bath Street, Bath BA1 1SN immediately of any convictions or proceedings arising out of the use or enjoyment by the holder of this Consent.**
- 5 The holder shall not cause any obstruction of the street or danger to persons using it and shall not permit persons to gather around him or any van, cart, barrow, other vehicle or stall included in this Consent so as to cause a nuisance or annoyance or danger to any persons lawfully using the street and shall not park any such van etc. on the footway or verge of the street.**
- 6 The holder shall not use or suffer or permit any music playing, music reproducing or sound amplification apparatus or any musical instruments radio or television receiving sets whilst trading under this Consent, save as varied by a special condition of this Consent.**
- 7 The holder shall not place on the street or affix to any equipment placed on the street any advertising material of any description whatsoever except with the previous consent in writing of the Head of Environmental and Consumer Services for the time being of the Council.**
- 8 The holder shall not make any excavations or indentations of any description whatsoever in the surface of the street or place or fix any equipment of any description in the said surface.**
- 9 The holder shall not use the street for any trading purpose other than the purpose as permitted by the Consent and then only during the permitted hours.**
- 10 The holder shall not place on the street any furniture or equipment other than as permitted by the Consent and he 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.**
- 11 The holder shall not do or suffer anything to be done in or on the street which in the opinion of the Council may be or become a danger nuisance or annoyance to or cause damage or inconvenience to the Council or to the**

owners or occupiers of any adjacent or neighbouring premises or to members of the public.

- 12 The holder shall not assign, underlet or part with his interest or possession under this Consent or any part thereof, but he may surrender it at any time.
- 13 The holder shall observe and comply with any directions in relation to the use of the street given by the Head of Environmental and Consumer Services or the Director of Property and Engineering Services for the time being of the Council.
- 14 The holder shall keep his trading position and the immediately adjacent area in a clean and tidy condition during the permitted hours and also leave the same in a clean and tidy condition and unobstructed at the end of each daily period of use under the terms of this Consent.
- 15 The holder shall provide at his own cost and expense litter bins or similar receptacles for the deposit of cartons, wrappings, containers and similar discarded items if required by the Head of Environmental and Consumer Services, and remove them and their contents at the end of each daily period of use under this Consent.
- 16 The holder shall retain with any van, cart, barrow, other vehicle or stall included within this Consent any water used or waste produced until the end of each daily period of use under this Consent and then remove it and dispose of it elsewhere, and in particular shall not deposit any such waste near or into any street drain or channel.
- 17 The holder shall indemnify and save harmless the Council and their agents, servants and workmen from and against all proceedings damages claims or expenses in respect of an injury (including personal injury) 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, his trading and the provision of facilities under this Consent.
- 18 This Consent may be revoked by the Council at any time and the Council shall not, in any circumstances whatsoever, be liable to pay any compensation to the holder in respect of such revocation.
- 19 The Consent holder or any person employed by him to assist him in his trading shall at all times wear the identification badge issued by Bath & North East Somerset Council whilst trading from the pitch. The badge shall be worn in a conspicuous position on the upper body.
- 20 The holder shall return the identification badge(s) to the Bath & North East Somerset Council immediately on revocation or surrender of the Consent.
- 21 All street trading fees are due quarterly in advance on 1 January, 1 April, 1 July and 1 October each year.

Notes:

- 1 Street trading in a consent street without a Street Trading Consent, or from a van, cart etc. not specifically permitted by a Consent, or contravening certain conditions attached to a Consent, amounts to an offence for which proceedings may be instituted.**
- 2 A Street Trading Consent does not confer immunity from the provisions of any Street Parking Places Order or General Traffic Restriction Order. In case of doubt about the effect of any such Order, enquire at the Environmental and Consumer Services, 9-10 Bath Street, Bath BA1 1SN .**
- 3 The Local Government (Miscellaneous Provisions) Act 1982 provides as follows:**

Schedule 4, Paragraph 10

- 1 A person who:**
 - b engages in street trading in a consent street without being authorised to do so under this Schedule; or**
 - d being authorised by a street trading consent to trade in a consent street, trades in that street:**
 - (i) from a stationary van, cart, barrow or other vehicle; or**
 - (ii) from a portable stall,**

without first having been granted permission to do so under paragraph 7 (8) (of this Schedule); or
 - e contravenes a condition imposed under paragraph 7 (9) (of this Schedule),**

shall be guilty of an offence.
- 2 It shall be a defence for a person charged with an offence under sub-paragraph (1) above to prove that he took all reasonable precautions and exercised all due diligence to avoid commission of the offence.**
- 3 Any person who, in connection with an application for a street trading consent, makes a false statement which he knows to be false in any material respect, or which he does not believe to be true, shall be guilty of an offence.**
- 4 A person guilty of an offence under this paragraph shall be liable on summary conviction to a fine.**

HIGHWAYS NOTICE

**Bath & North East
Somerset Council**

Application Ref. 12/02898/STTRAD

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

BROAD STREET CHRISTMAS MARKET, LOWER BROAD STREET, BATH

NOTICE IS HEREBY GIVEN that an application has been made to Bath & North East Somerset Council for the grant of a Street Trading Consent at the above location.

Name of each applicant	Sarah Mansfield
Trading times	Between 22nd November and 9th December 2012 Monday to Wednesday from 10:00 to 19:00 Thursday to Saturday from 10:00 to 21:00 Sunday from 11:00 to 18:00
Articles for sale	Arts and Crafts, Handmade Christmas Gifts, Food and Drink, Mulled Wine, Ceramics, Glass, Clothing, Wooden Gifts, Accessories and Toys
Stall type	12 single retail units using Zapp Canopies

If you wish to make any objections to the Council regarding the above application you should do so in writing to the undersigned by 16 August 2012.

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

Dated 26 July 2012



Andrew Jones, Environmental Monitoring and Licensing Manager, Licensing Services,
Bath & North East Somerset Council, Lewis House, Manvers Street, Bath BA1 1JG or
email licensing@bathnes.gov.uk

Making Bath & North East Somerset
an even better place to live, work and visit

OBJECTIONS

Peter James - Rossiter

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

From: peter james [mailto:pjames@btconnect.com]

Sent: 31 July 2012 13:32

To: Licensing

Subject: application12/02898/SSTTRAD Objection

Attached is my objection to the above application

Peter James
Managing Director

Application 12/02898/STTRAD

Broad St Christmas Market

I object to the above application for the following reasons:

1. There will have to be a significant change to traffic flow and a new traffic scheme developed to make the 12 stalls possible for 18 days worth of trade. This will represent great upheaval.
2. The proposed new traffic measures have not been properly thought through and will cause problems with the entrance to Waitrose car park.
3. The existing Bath Christmas Market is fine but along with other local retailers I do not want extra temporary competition at a vital time of year. The market as presently configured is enough.
4. Customer flow. There is no problem with customer flow in Broad St at Christmas as far as my business is concerned. I fear the impact of having the market at the bottom of the street will hinder flow up the street rather than improve it.
5. If there are to be market stalls developed by Milsom Place the obvious location for them is in the cobbled court yard within the scheme where there will be no conflict with traffic. Temporary markets have successfully operated from this location on previous occasions.
6. The location identified is not appropriate and possibly dangerous as, despite restrictions, there will still need to be access for deliveries and emergency services.
7. Closing the road to traffic will restrict the exposure of our windows and brand to the passing traffic. This will negatively affect trade.

OBJECTIONS

Sue Shannon – Shannon in Walcot Street

From: Sue Shannon [mailto:sue@shannon-uk.com]
Sent: 15 August 2012 11:42
To: Licensing
Subject: Christmas Stalls on Broad street

Dear Andrew Jones

I am writing to object to the planning application for twelve stalls on Broad Street 22nd November until 9th December. I think from a business point it is completely unacceptable to block up this area and further compound the traffic problems during the busiest time of the year, grid lock will back up through the town and Walcot Street area. Furthermore I think it will seriously impede and block the pavement and road for customers trying to reach businesses in Walcot Street as well as the Main Post Office, Rather than attract people up to the shops in Walcot it will act as a serious deterrent.

Yours sincerely
Sue Shannon
Shannon
68 Walcot Street
Bath
BA1 5BD
01225 424222
www.shannon-uk.com

OBJECTIONS

Caroline Vincent & Jenny Carruthers – Kiss The Frog Again in Broad Street

From: Info@KTFA [mailto:info@kissthefrogagain.co.uk]
Sent: 14 August 2012 12:38
To: Licensing
Cc: Jenny Carruthers; Caroline Vincent
Subject: Application Ref 12/02898/STTRAD

Dear Mr Jones,
Application Ref 12/02898/STTRAD

I refer to the above application dated 26th July 2012, for Street Trading Consent for Broad Street Christmas Market, Lower Broad Street, Bath.

As a retail owner in Broad Street we wish to register our objection to this application on the grounds that we have not been made aware of the relevant Traffic Order to alter the direction and flow of traffic that will clearly be necessary to facilitate this application. Additionally, we are already under immense pressure due the economic climate and the introduction of direct competitors on our door stop will make trading even more difficult.

We understand that this application has been made by the Milson Place Manager, Sarah Mansfield. Unless this application is a private one, it would seem an inappropriate application from a shopping complex not directly connected to the Christmas Market.

On these grounds we strongly object to this application.

Please acknowledge receipt of this email.

Yours sincerely

Caroline Vincent and Jenny Carruthers
Kiss The Frog Again

OBJECTIONS

Martin Tracy – The Framing Workshop in Walcot Street

From: The Framing Workshop [mailto:framing@theframingworkshop.com]

Sent: 15 August 2012 14:21

To: Licensing

Subject: Broad Street Christmas Market Ref 12/02898/STTAD

Dear Mr Jones

Further to my email of 13 August re licensing application Ref 12/02898/STTAD and having had further conversations with more Walcot Street Traders I hereby place a further objection to the above application:

- o The selling of stated articles grossly impinge on a number of traders in Walcot street. Far from enhancing the retail mix these stalls will take business from both Walcot and Broad Street traders.
- o Walcot Street traders already experience a down turn in trade during the Christmas Market, where regional shoppers choose to shop elsewhere due to the already high level of congestion and increasingly difficult access to the city.
- o The period of trading during the Christmas Market is critical to Walcot Street. This extension of congested access, particularly when considering the traffic alterations that will need to be made to accommodate these stalls, will create further aggravation and increased deterrent.
- o Whilst we understand that the relevant traffic order has yet to be submitted it is indigenous to consider this Christmas extension before all details are known.

Yours Sincerely
Martin Tracy

OBJECTIONS

Councillor Manda Rigby

From: Manda Rigby (Cllr)
Sent: 16 August 2012 12:45
To: Andrew Tapper
Cc: Brian Webber (Cllr)
Subject: Re: Lower Broad Street, Bath - Street Trading & Road Closure for Christmas Market

Good afternoon!

Think my default answer has to be 3. Both

I can't see how the Market stalls can work without the road closure, and I don't want the road closure, more importantly, I have yet to find a resident in Abbey, or a business actually on Broad Street, who supports the proposal.

manda

From: Manda Rigby (Cllr)
Sent: 31 July 2012 14:38
To: Andrew Tapper
Cc: Brian Webber (Cllr)
Subject: Christmas Market at bottom of Broad Street application

Hello Andrew

I have walked the area concerned this morning not hurrying through to get to Guildhall as I normally do, but v specifically looking at how this could work and where the stalls could be situated and could not see anyway of making it safe, or indeed accessible, with cars trundling past. On my return home, I saw an email from my ward colleague to traffic department, referencing the fact that a road closure had in fact been applied for.

I can't see how a satellite to the Market could possibly work without a road closure, and I can not see how closing the road giving access to the Post Office in the run up to Christmas can in any way be a great idea. Not only Abbey residents, but residents throughout the city will need both bus and car drop off access to post items for Christmas. I wholeheartedly object to this proposal

Manda

From: Manda Rigby (Cllr)
Sent: 31 July 2012 14:30
To: Brian Webber (Cllr)
Cc: Nick Jeanes
Subject: Re: Lower Broad Street, Bath =- Road Closure for Christmas Market

Can I add to Brian's comments, I am completely opposed to this, in it's entirety, and will campaign most vigorously against this road closure at this time, or indeed as a permanent proposal.