

BATH AND NORTH EAST SOMERSET COUNCIL

LICENSING SUB-COMMITTEE

Tuesday, 12th May, 2015, 10.00 am

Councillors: Anthony Clarke (Chair), Patrick Anketell-Jones and Andrew Furse

Officers in attendance: Alan Bartlett (Public Protection Team Leader), Andrew Tapper (Public Protection Officer) and Shaine Lewis (Principal Solicitor and Deputy Monitoring Officer)

173 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer read out the procedure.

174 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were none.

175 DECLARATIONS OF INTEREST

Councillor Furse declared an interest as a local resident and ward member for Kingsmead. He had not been involved in the organisation of the street party, but he had been aware of it. He was confident that had not predetermined the street trading application and could consider it with an open mind.

176 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was none.

177 MINUTES: 28TH APRIL 2015

These were approved as a correct record and signed by the Chair.

178 LICENSING PROCEDURE: MISCELLANEOUS LICENCES, PERMITS, CONSENTS

The Chair drew attention to the procedure to be followed for the next item of business.

179 APPLICATION FOR STREET TRADING AT THE CHELSEA VILLAGE PARTY

Applicant: Peter Heywood

Objector: David Cheadle

The Applicant was unable to attend, but had indicated that he was content for the application to be heard in his absence.

Mr Cheadle was present.

The Chair said that he wished to make it clear that the Sub-Committee could only consider matters relating to the application for a street trading consent and that it could not take into account the wider impact on the local community of the street party. Mr Cheadle said that he had not seen the report. He was provided with a copy and the Sub-Committee adjourned for twenty minutes to allow him to peruse it.

The Public Protection Officer summarised the report.

Mr Cheadle stated his case. He said that he lived in Kennington Road, which was a relatively quiet residential road, whereas the adjoining Chelsea Road was a busy thoroughfare containing a row of shops. There was thus a marked contrast between the two roads in which the event would take place. His property was opposite the Methodist Church, where a stage would be erected and a band would play. The Chair advised Mr Cheadle that issues relating to regulated entertainment could not be considered at this hearing, and that he should focus on matters relating to the street trading application.

Mr Cheadle said that a similar event had taken place the previous year without a licence. It was in exactly the same format as the event planned for this year, so that residents knew what to expect. The organisers had claimed that surplus funds earned would be donated to charity or used to fund street lighting. No accounts for the event had been published and it was impossible to ascertain how any surplus funds had been used. He submitted that the event was being imposed on the local community by outsiders for commercial reasons. There would be considerable noise and other nuisance. Residents would effectively be confined to their homes for the duration of the event. A promotional leaflet had been widely distributed, but it gave no information about the organisers or their contact details. Last year the event continued beyond the advertised finish time of 10pm and he expected that this year's event would continue beyond the stated 9pm.

He referred to paragraph 4.2 of the Council's Street Trading Policy and submitted that there was not "an overriding public interest" in creating a new street trading pitch at this event, which would only create noise, nuisance and smell. He referred to paragraph 5.1 of the Policy, which states that the Council would seek written comments from occupiers of premises "immediately adjacent and opposite" a proposed street trading pitch and said that he had not been asked for his views. The Public Protection Officer advised that the required notice had been sent to all affected properties. He also advised that no music could be played at the street trading pitch.

In response to questions from Members Mr Cheadle stated that:

- he had not been troubled by smells from food stalls or the barbecue the previous year
- he had tried to obtain the accounts for the previous year's event without success
- there had been hundreds of people on the street during last year's event, which had been advertised widely

- music and the selling of food had continued until the end of the event

A Member asked officers whether the absence of contact details for the organisers on the promotional leaflet was normal for a community event. The Principal Solicitor advised that contact details would be found on the Temporary Event Notice for the event. The Public Protection Team Leader advised that most street trading applications were from commercial interests. As the Chelsea Village Party was a community event, the application fee had been waived. The Principal Solicitor pointed out that that Mr Heywood's letter of 16 April 2015 (agenda page 40) stated that there had been a small surplus last year, which had gone into a fund to plant trees in Chelsea Road and that any surplus from this year's event would go into the same fund.

Following an adjournment, the Sub-Committee **RESOLVED** to grant the consent subject to standard conditions. Authority was delegated to the Public Protection Officer accordingly.

Decision and reasons

Members have had to determine an application for a Street Trading Consent for the Chelsea Village party. This involves 10 stalls spread through Chelsea Road and Kennington Road. In determining the application members took account of schedule 4 Local Government (Miscellaneous Provisions) Act 1982, the Council's Policy on Street Trading and the Human Rights Act 1998.

Although the applicant did not attend Members noted his consent to the application going ahead in absence and therefore took account of his written representations.

The objector stated the event is commercial in nature which covers a commercial street and residential street. The event last year was unlicensed, ran over its time and had no clear community benefit.

In reaching a decision Members had regard to all relevant representations, disregarded the irrelevant and balanced the competing interests of the applicant and objector. Members therefore disregard matters of commercialism, the event in general and distribution of any profits.

The application is for 'new' pitches on 16 May 2015 between 3:00 and 9:00pm. Therefore, particular attention was given to part 4 of the Street Trading policy. As Members are aware the highway will be closed for the event vehicular obstruction and safe passage of pedestrians and staff was not an issue. In the circumstances Members find there is an overriding public interest in using public spaces for wider community events and as the general thrust of the objection fell outside of the policy framework the application was granted with the attachment of Standard Conditions.

Authority delegated to the Public Protection Officer to issue the consent.

The meeting ended at 11.06 am

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services