

Bath & North East Somerset Council

MEETING: **Licensing (Taxis, Street Trading and Miscellaneous) Sub Committee**

DATE: **3 May 2011**

AGENDA
ITEM
NUMBER **7**

TITLE: **Application for permission to provide facilities on the highway for recreation/refreshment at Gascoyne Place, 1 Gascoyne Place, Saw Close, Bath.**

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
Annex D Highways Notice
Annex E Objections

1 THE ISSUE

1.1 An application has been received for permission to provide facilities on the highway in respect of Gascoyne Place, 1 Gascoyne Place, Saw Close, Bath.

2 RECOMMENDATION

2.1 That the 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 Gascoyne Place, 1 Gascoyne Place, Saw Close, Bath (Annex A).

4.2 The application is for permission to place 15 tables on the highway in two areas outside the premises, along with appropriate seating (site plan attached at Annex B).

As in 2010/11, the applicant has agreed to a condition to be placed on the permit that the permit will only take effect when there is an official 'Road Closure Order' in place.

4.3 The size of the areas applied for is 20m x 4m and 6m x 3.3m.

4.4 The times applied for are:

Saturdays, Sundays and Bank Holidays: 11:00 to 23:00 hrs.

5 LEGAL FRAMEWORK

5.1 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.

5.2 Upon application the Council may grant permission to provide, maintain and operate facilities for recreation and/or refreshment on a highway.

5.3 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.

5.4 The Council's standard conditions for permission to place tables and chairs on the highway are attached at Annex C.

6 CONSULTATION

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

6.2 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.

6.3 A notice was placed on the highway on 18 March 2011 (Annex D). The application was also placed on the Council's website.

7 OBJECTIONS

7.1 Objections have been received from two local businesses alleging that the grant of this permit will restrict access to Upper Borough Walls and badly affect their trade.

(Copies attached at Annex E).

Contact person	Alan Bartlett, Principal Licensing Officer Telephone 01225 477536
Background papers	None