

Democratic Services

Riverside, Temple Street, Keynsham, Bristol BS31 1LA

Telephone: (01225) 477000 *main switchboard*

Direct Lines - Tel: 01225 394410

Web-site - <http://www.bathnes.gov.uk>

Date: 25 February 2013

E-mail: Democratic_Services@bathnes.gov.uk

**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, 5th
March, 2013**

You are invited to attend a meeting of the **Licensing (Taxis, Street Trading and
Miscellaneous) Sub-Committee**, to be held on **Tuesday, 5th March, 2013 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, 5th
March, 2013**

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. MINUTES - 4TH DECEMBER 2012 (Pages 5 - 8)

6. LICENSING PROCEDURE - HACKNEY CARRIAGE (TAXI) AND PRIVATE HIRE DRIVERS (Pages 9 - 10)

7. 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”.

8. APPLICATION FOR HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE:-
MR ML (Pages 11 - 20)

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, 4th December, 2012

Present:- Councillors Gabriel Batt, Bryan Chalker (Chair) and Douglas Nicol

Also in attendance: Enfys Hughes and Francesca Smith (Senior Legal Adviser)

49 EMERGENCY EVACUATION PROCEDURE

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

50 APOLOGIES FOR ABSENCE

It was reported that Councillor Sarah Bevan had sent her apologies, Councillor Doug Nicol was her substitute.

51 DECLARATIONS OF INTEREST

There were none.

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

There was none.

53 MINUTES - 6TH NOVEMBER 2012

RESOLVED that the minutes of the meeting held on Tuesday 6th November 2012 be confirmed as a correct record and signed by the Chair(person).

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

RESOLVED that the procedure for this part of the meeting be noted.

55 APPLICATION FOR A STREET TRADING CONSENT - PROPOSED NEW PITCH, FIRST AVENUE, WESTFIELD TRADING ESTATE, RADSTOCK (PAULA TRANTER).

The Sub-Committee considered the report which sought determination of an application for a Street Trading Consent at a proposed new pitch, First Avenue, Westfield Trading Estate, Radstock.

The applicant was present. She confirmed that she had read and understood the procedure for the meeting. One of the objectors was also present.

The Licensing Officer presented the report and gave details of the application. He stated that following a notice being placed on the highway, two objections had been received.

The applicant put her case and was questioned. She stated that she had bought the business in September 2012 and the previous owner had developed a good trade on the trading estate. She wanted to provide a service to locals which would benefit the area. Many of her customers walked to the van from within the trading estate. In addressing points raised by the objectors she stated that lorries often parked in the area to take their breaks anyway, irrespective of whether they were customers. She added that her van would not obstruct the signs. With regard to some larger lorries loading/unloading on the road using a forklift, she said this could cause more of an obstruction than her van. She confirmed that there were no parking restrictions on the road where the pitch was proposed, which could be seen from the photographs.

The objector put his case and was questioned. He stated his business had been there since 1996 so he was local. The area was a busy trading estate with lots of lorry movements, including articulated lorries. His business had deliveries with large articulated lorries unloading and loading outside on the road as they were too big for the smaller access roads. He added that if cars were parked near his entrance this could cause a problem with visibility pulling out onto the road.

The objector made a closing statement then the applicant made a closing statement.

Following an adjournment it was

RESOLVED that a new pitch be granted at First Avenue, Westfield Trading Estate, Radstock and the application be granted as applied for subject to the standard terms and conditions.

Reasons for decision

In determining the application to grant a street trading consent at a proposed new pitch at First Avenue, Westfield Trading Estate, Radstock, Members took into account the Local Government (Miscellaneous Provisions) Act 1982, the Council's Policy on Street Trading and the Human Rights Act 1998.

Members took account of both the oral and written representations of the applicant and those of the objectors.

Members first had to decide whether to create a new pitch and applied paragraph 5 of the Council's Policy. They determined that the new pitch would not have such a detrimental effect on road safety as to restrict visibility for those vehicles entering and leaving the access roads near to where the proposed new pitch was to be based.

Secondly Members heard from the applicant that most of the customers would visit on foot but would not obstruct other vehicular access and the safe passage of pedestrians.

They decided to create a new pitch and also noted that no representations had been made by Highways.

Members therefore determined to grant the application as applied for.

The meeting ended at 10.45 am

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services

This page is intentionally left blank

Agenda Item 6

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

Agenda Item 8

Document is Restricted

This page is intentionally left blank