

**Democratic Services**

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Date: 26 April 2013

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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, 7th May, 2013**

You are invited to attend a meeting of the **Licensing (Taxis, Street Trading and Miscellaneous) Sub-Committee**, to be held on **Tuesday, 7th May, 2013 at 10.00am** in the **Kaposvar Room - 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, 7th May, 2013**

**at 10.00am in the Kaposvar Room - 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 - 9TH APRIL 2013 (Pages 7 - 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 PORTER PUBLIC HOUSE, 2 MILES'S BUILDINGS, BATH, BA1 2QS (Pages 11 - 36)

8. LICENSING PROCEDURE - HACKNEY CARRIAGE (TAXI) AND PRIVATE HIRE DRIVERS HEARING PROCEDURE (Pages 37 - 38)

9. APPROVAL OF VEHICLE FOR PRIVATE HIRE - MR HUGO ALLEN KING (Pages 39 - 44)

10. HACKNEY CARRIAGE (TAXI) AND PRIVATE HIRE PROPRIETORS' HEARING PROCEDURE (Pages 45 - 46)

11. 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 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”.

12. APPLICATION FOR COMBINED HACKNEY CARRIAGE/PRIVATE HIRE DRIVERS LICENCE AND CONSIDERATION OF CAUTION OBTAINED DURING TERM OF PREVIOUS LICENCE (Pages 47 - 62)

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, 9th April, 2013**

**Present:-** Councillors Sarah Bevan (Chair), Gabriel Batt and Tim Warren

**Also in attendance:** John Dowding (Senior Licensing Officer), Enfys Hughes and Shaine Lewis (Principal Solicitor)

**64 EMERGENCY EVACUATION PROCEDURE**

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

**65 APOLOGIES FOR ABSENCE**

Councillor Bryan Chalker sent his apologies, Councillor Tim Warren was his substitute.

**66 DECLARATIONS OF INTEREST**

There were none.

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

There was none.

**68 MINUTES - 5TH MARCH 2013**

**RESOLVED** that the minutes of the meeting held on Tuesday 5th March 2013 be confirmed as a correct record and signed by the Chair(person).

**69 LICENSING PROCEDURE - HACKNEY CARRIAGE (TAXI) AND PRIVATE HIRE DRIVERS HEARING**

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

**70 EXCLUSION OF THE PUBLIC**

**RESOLVED** "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 items(s) of business because of the likely disclosure of exempt information as defined in paragraphs 1, 2 and 3 of Part 1 of Schedule 12A of the Act, as amended."

**71 APPLICATION FOR HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE:- MR CAS**

The Sub-Committee considered the report which sought determination of an application by Mr CAS for the grant of a combined hackney carriage/private hire driver's licence.

The applicant was present. He confirmed he had read and understood the procedure for the meeting.

The Licensing Officer presented the report and stated that as part of the application process a Disclosure and Barring Service check was undertaken which had revealed two previous convictions. He circulated the Disclosure and Barring Service check, personal statement, references and Curriculum Vitae for Mr CAS. The applicant and officer withdrew from the meeting while Members took some time to consider these documents.

Mr CAS put his case and was questioned. Mr CAS then made a closing statement.

Following an adjournment it was

**RESOLVED** that a hackney carriage/private hire driver's licence be granted in respect of Mr CAS, subject to the standard terms and conditions.

Reasons for the decision

Members determined an application by Mr CAS for a combined hackney carriage/private hire driver's licence. In doing so they took into account the Local Government (Miscellaneous Provisions) Act 1976, the Council's Policy and the Human Rights Act 1998.

Members listened carefully to Mr CAS's representations, had regard to his Disclosure and Barring Service check, his written statement, references and other documents he provided. Members noted that the offences disclosed were historic and fell outside the Council's Policy. Moreover they noted that he fully accepted responsibility for his conduct, had regretted his actions and shown considerable remorse. Members therefore felt that his offending behaviour was in the past and, whilst warning him that any future offending would result in him being brought back before the Committee, they found Mr CAS to be a fit and proper person to hold a combined hackney carriage/private hire driver's licence.

The meeting ended at 11.01 am

Chair(person) .....

Date Confirmed and Signed .....

**Prepared by Democratic Services**

## 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



<b>Bath &amp; North East Somerset Council</b>	
<b>MEETING: Licensing (Taxis, Street Trading and Miscellaneous) Sub Committee</b>	
<b>DATE: 7 May 2013</b>	AGENDA ITEM NUMBER
<b>TITLE: Application for permission to provide facilities on the highway for recreation/refreshment at Porter Public House, 2 Miles's Buildings, Bath, BA1 2QS</b>	
<b>WARD: Abbey</b>	
<b>AN OPEN PUBLIC ITEM</b>	
<b>List of attachments to this report:</b>	
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 Porter Public House, 2 Miles's Buildings, Bath, BA1 2QS.

**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 £246.

**4 THE REPORT**

4.1 An application has been received for permission to provide facilities on the highway in respect of Porter Public House 2 Miles's Buildings Bath BA1 2QS (Annex A).

4.2 The application is for permission to place 21 tables on the highway outside the premises, along with appropriate seating (site plan attached at Annex B).

4.3 The size of area applied for:

13 x 3.7 metres (side of premises); and  
0.5 x 15 metres (front of premises).

4.4 The times applied for are every day from 10:00 to 23:00 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 (Section 115J), but permissions may be given subject to any reasonable conditions that the Council thinks fit (Section 115F).
- 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 6 March 2013 (Annex D). The application was also placed on the Council's website.
- 4.11 Objections have been received from local residents. The grounds for objection allege that public nuisance including litter, noise issues and obstruction of the public highway would occur.

(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.

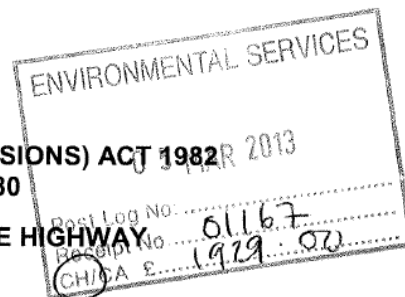
## 9 ADVICE SOUGHT

- 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.

<b>Contact person</b>	Alan Bartlett, Principal Licensing Officer Telephone 01225 477536
<b>Background papers</b>	None
<b>Please contact the report author if you need to access this report in an alternative format.</b>	

APPLICATION

13/00189.  
Bath & North East Somerset Council



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

PERMISSION TO PLACE AMENITIES ON THE HIGHWAY

I/We Giles Thomas

hereby give notice that I/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**

I/We certify that there have been no alterations to the size of the area

- I/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**

I/We enclose the fee as follows:

Application fee		£246.00
▪ Number of tables	<u>21</u> @ £66 per table	<u>1386</u>
▪ Number of other items (e.g. planters, boundary markers)	<u>9</u> @ £33 per item	<u>297</u>
OR IF NO TABLES USED		
▪ Number of chairs, parasols, etc.)	<u>—</u> @ £33 per item	<u>          </u>

**Total enclosed**

£1929

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

Signed by the applicant(s)

..... Dated .....  
 Dated 04/03/13

Please return the completed application to:

Licensing Services, Lewis House, Manvers Street, Bath BA1 1JG

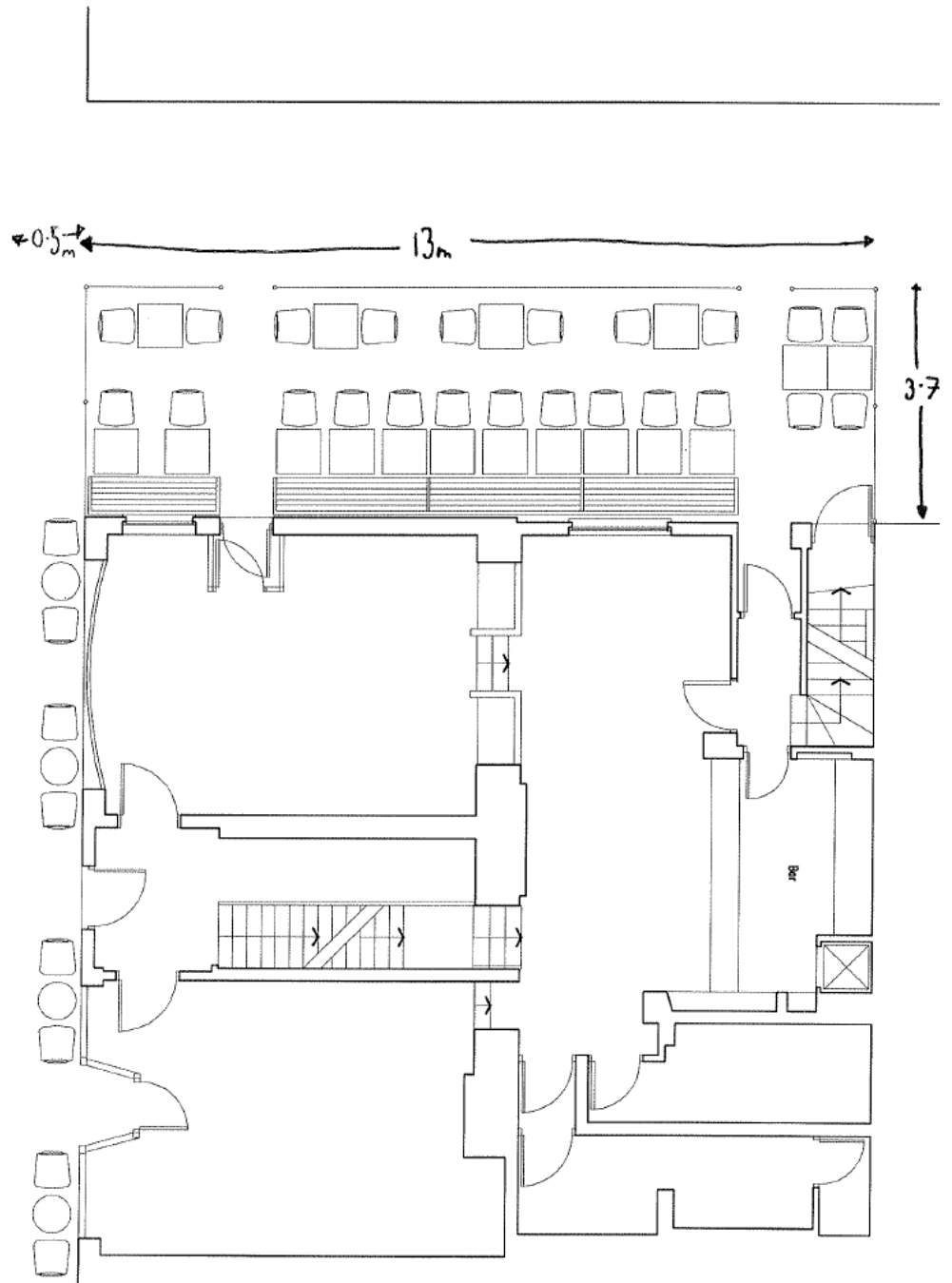
## APPLICATION

**Bath & North East  
Somerset Council**

**Local Government (Miscellaneous Provisions) Act 1982  
Part VIIA Highways Act 1980  
Permission to Place Amenities on the Highway**

1	Full name and address of each applicant	Giles Thomas Charlcombe grove Farm Charlcombe Bath BA1 9BQ
2	Contact: telephone number email	giles@nucleus-group.co.uk 07810514342
3	The date or dates, or the period of time for which the permit is required (maximum one year)	From: 31/03/13 To: 31 March/14
4	Number of tables	21
5	Size/Dimensions of area	See plan - as previous license
6	The Council must notify any "affected frontages" of this application. Please provide details of the adjoining premises.	✓ 16 George St, 14 George Street - miles ✓ 12 Miles's Buildings ✓ 3 Miles's Buildings
7	Days of the week and hours of operation on those days	10am - 11pm Mon - Sun
8	Specific part of the premises proposed to be used	Pavement adjacent to premises
9	Alcohol permitted	Yes
10	If yes, please state your premises licence number	12/04149/LAPRE

APPLICATION



scale 1:100

APPLICATION

Proposed Furniture @ The Porter

Luxembourg Armchair by Fermob



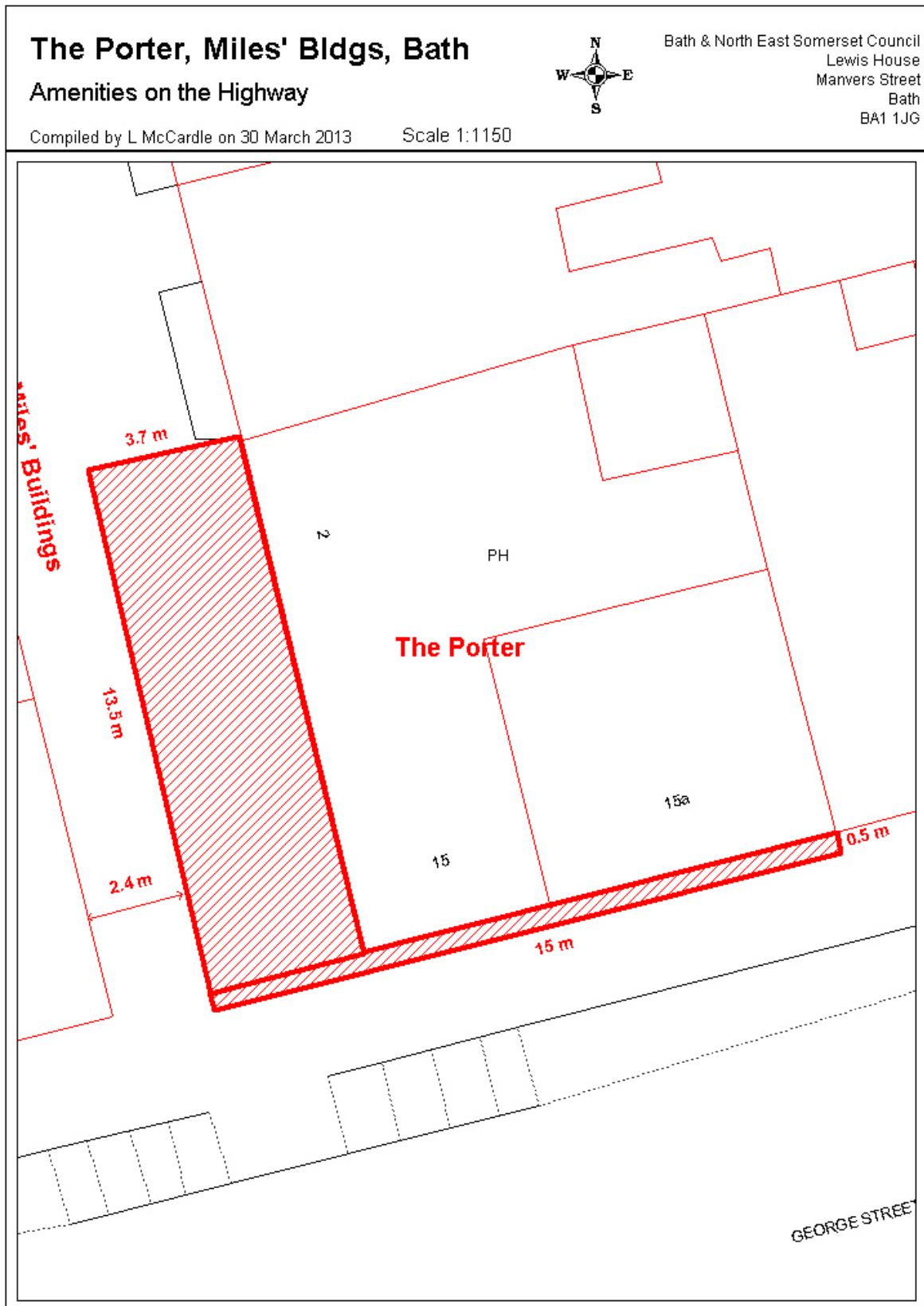
Scarborough Bench – bespoke by WoodcraftUK



Cararra Marble Top Table



SITE PLAN



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**CONDITIONS****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 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

## CONDITIONS

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 30<sup>th</sup> 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.

**CONDITIONS**

**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).

HIGHWAYS NOTICE

**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982**

**PART VIIA HIGHWAYS ACT 1980**

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**PORTER PUBLIC HOUSE 2 MILES'S BUILDINGS BATH BA1 2QS**

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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 2014**

and at the following times:

**Every Day 10:00 - 23:00 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 6 March 2013



Andrew Jones  
Environmental Monitoring and Licensing Manager

Licensing Services  
Bath and North East Somerset Council  
Lewis House  
Manvers Street  
Bath BA1 1JG

## OBJECTIONS

**From:** Henry Brown [mailto:henrybrown@bethere.co.uk]  
**Sent:** 11 March 2013 15:47  
**To:** Licensing  
**Cc:** Rothwell & Phil Cooke Sally  
**Subject:** tables and chairs outside the porter, 13-00189-table

Dear B&NES,

I am writing to object to the proposed tables and chairs outside the Porter in Miles's Buildings, Bath. I live just around the corner and have frequently been disturbed by noise and antisocial behaviour caused by clients of the Porter. I am also a member of the Circus Area Residents Association, to whom I am copying this.

I have four concerns:

- A. There is an excessive number of tables and chairs requested. In recent years, neighbours have reluctantly accepted a modest number of tables outside the Porter, and we think that half a dozen would be quite enough intrusion on the public highway. This is a street, not the Porter's private domain.
- B. The permitted area in Miles's buildings should not extend more than half way across the street. There is a very well defined stone channel along the paving which marks the centre point, and at one stage the Porter's permitted area extended only that far. At present it extends further, which means that if the outside area becomes busy it can be difficult and unpleasant for residents, particularly the elderly or those with small children to get past the crowd. If the Council is minded to grant the present application, it should extend only to this centre line.
- C. There is just not enough space for tables and chairs on the George Street frontage. The pavement here is quite narrow, is thronged with visitors, and also has to accommodate patrons queuing for Moles. This area should be kept clear.
- D. I have in the past enquired whether the Porter had planning permission to use the highway for tables and chairs, and was told that they didn't. I don't think you should be granting a tables and chairs permit until a planning application has been made and approved.

Please acknowledge receipt, and notify me if there is to be a public hearing.

Thank you.

Henry Brown, 11 March

7 St Andrews Terrace  
Bath BA1 2QR

[henrybrown@bethere.co.uk](mailto:henrybrown@bethere.co.uk)  
07990 585493

## OBJECTIONS

**From:** Robin Davies [<mailto:robinofbath@gmail.com>]  
**Sent:** 08 March 2013 11:34  
**To:** Licensing  
**Cc:** Planning Enforcement; Manda Rigby (Cllr); Brian Webber (Cllr); [liquorlicensing@avonandsomerset.pnn.police.uk](mailto:liquorlicensing@avonandsomerset.pnn.police.uk)  
**Subject:** Tables and Chairs at the Porter.

I object to this application on a number of grounds.

1. The Porter appears to be in contravention of their 2009 planning as this apparently refused them planning permission to put tables and chairs outside their premises. However the premises has been placing tables and chairs outside for some time. It would be totally inappropriate to grant these Premises an extended license for more tables and chairs when they probably shouldn't have any outside. Licensing and Planning should consider how to communicate better in future to ensure that this type of issue does not occur. There would appear to be little or no communication or liaison between these two departments at present!!

2. It is physically impossible to put 21 tables in the space that the Porter currently uses for the 8 tables for which they have licensing approval. If each table has only 2 chairs that is potentially an 26 additional people outside which during the night when these people have consumed substantial alcohol would increase the noise above the already intolerable levels coming from this establishment.

3. The space available for pedestrians and people with disabilities is very narrow even now when the Porter has its current 8 tables and chairs outside as many of their patrons also stand and congregate outside the current licensed area normally smoking. If even more tables are crammed into this small area the smokers would extend even further into the thoroughfare. In the evening it is sometimes almost impossible for people to walk up/down Miles Buildings and along George Street at the corner with Miles Buildings. With 21 tables and at least 42 chairs this area would become chaotically congested.

4. The amount of litter and cigarette butts left each evening is currently unacceptable. Neighbourhood services have to clear this mess up most mornings of the week. At the very least there should be several minimum requirements under any new license.

1. For the whole area to be cleaned up at closing time each night,
2. For any designated area to be curtained off with accoustic curtains from 9pm till the pub closes to stop the sometimes appalling noise coming from the Porter's Patrons disturbing residents in east Gay Street, Miles Buildings and parts of the Circus.
3. That the licensee places a number of portable cigarette butt bins in the area after any tables and chairs are removed until closing time to ensure that the minimum number of cigarette butts are thrown on the ground as at present from the often large crowds of rowdy drinkers who stand outside most nights of the wee
4. The number of tables to be limited to 8 with 16 chairs.

In summary. The current placing of 8 tables and associated chairs appears to be in contravention of planning requirements. The current area is unsuitable for any further increase in the number of tables and chairs if planning approval is granted. The access along Miles Buildings is already seriously compromised during the busy evening times with patrons sitting and standing outside. To further increase the numbers of patrons sitting and standing outside would be unreasonable.

Robin Davies 18 Gay Street, Bath, BA1 2PD

## OBJECTIONS

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

From: Kimberly De Morgan [mailto:kdemorgan@mac.com]

Sent: 11 March 2013 11:32

To: Licensing

Cc: Planning Enforcement; Manda Rigby (Cllr); Brian Webber (Cllr);

liquorlicensing@avonandsomerset.pnn.police.uk; Nigel Shire

Subject: Re: Tables and Chairs at the Porter.

To the Licensing Board of Bath:

I object to more tables outside The Porter Pub for several reasons:

- 1.) The noise and disruption will be increased during the day and evening hours that the pub maintains, to the direct detriment of my sleep and the sleep of my 12 year old daughter. Currently the screams of intoxicated Porter patrons reaches us quite often.
- 2.) The litter from cigarette butts would be increased, and this is such a nuisance for a World Heritage site and tourist site like Bath.
- 3.) The congestion on the walkway on Miles Buildings and indeed, on George Street, where I have often had to fight my way through teenaged smokers (lined up 3 or 4 people deep, with the occasional drunk person sitting against the building), would only increase.

I am currently keeping a noise log to document the many sleepless evenings I have had since I have moved into 29 The Circus. I have even complained personally to Jaimie, the Assistant Manager at the Porter, when I discovered the extractor fan by the side door is the main reason why my house turns into a nightclub every time they have an event in their basement. This pub is already such a nuisance and detriment to any one living in George Street, Gay Street or in the 20's in the Circus. Please, do not give them any more tables or outside space to wreak more cacophony on the local residents.

Kim De Morgan 29 The Circus BA1 2EU

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**From:** sylvia wright [mailto:sylviawright3188@yahoo.co.uk]

**Sent:** 12 March 2013 10:39

**To:** Licensing

**Subject:** Tables and chairs outside the Porter public house

As residents of Miles' Buildings we wish to add our support to Robin Davies' objections to the tables and chairs outside the Porter, which so often blocks the route to our home.

yours sincerely

Sylvia and Gerry Wright

## OBJECTIONS

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

From: ian.dougall1@tiscali.co.uk [mailto:ian.dougall1@tiscali.co.uk]

Sent: 18 March 2013 12:57

To: Alan Bartlett

Cc: sfrothwell2@tiscali.co.uk

Subject: The Porter Pub: Application Reference 13/00189/TABLE

We wish to object to this application for the following reasons:

Firstly we feel that the proposed width of the area is too great. At present it is often difficult to walk up and down Miles's Buildings (this is compounded by the advertising sign outside the Juice Employment Agency, and by the step on the side entrance to Moles).

In the year before April 2012, the width of the area was 3.15 metres (approx.) from the Pub wall to the centre of the small slabs running down the middle of the walkway. This was preferable to the present arrangement.

Secondly there is no mention of what measures would be applied to ensure that the drinking in the external area does not cause nuisance (noise, mess, vomiting etc) to the residents in Miles's Buildings. In our experience, when The Porter is closed it is very quiet in Miles's Buildings.

Ian and Anne Dougall

---

**From:** Ron Temperton [mailto:rj-temperton@talktalk.net]

**Sent:** 19 March 2013 19:53

**To:** Licensing

**Subject:** Reference 13/00189/table

I would like to object to this application.

The existing tables at these premises already annexe a considerable proportion of the public footpath and an increase to 21 tables plus other items would require an excessive amount of pavement space being used and the associated obstruction, particularly for the disabled and those with pushchairs.

The granted hours should extend to no later than 2200 on any night of the week, and the current requirement to have waiter/ waitress service at outside tables be retained ( a current requirement not complied with or enforced.)

The proposed style of furniture appears to be large, heavy and requiring significant storage space, leading to a reluctance of staff to clear the area at the end of any approved hours.

Yours

R Temperton



## OBJECTIONS

**From:** Lawrence Jones [<mailto:lawrencedjones@msn.com>]  
**Sent:** 08 March 2013 19:40  
**To:** robin personal davies; Licensing  
**Cc:** Planning Enforcement; Manda Rigby (Cllr); Brian Webber (Cllr); [liquorlicensing@avonandsomerset.pnn.police.uk](mailto:liquorlicensing@avonandsomerset.pnn.police.uk)  
**Subject:** RE: Tables and Chairs at the Porter.

Dear Licensing and Liquor Licensing Authorities Banes

May I please add my full support to all that Robin Davies has said in his separate EMail I find it totally unbelievable that consideration should be given to the number of tables and chairs highlighted in that EMail with all the consequences that would have for congestion, noise, nuisance and general cleanliness of the area The extra numbers of clients this would include should remain within the Porter Public House As we approach summer and lighter evenings these proposals would have such a damaging effect on the immediate area

I trust the views of the citizens living in this area will be fully considered

Lawrence Jones  
 20 Gay Street

Date: Fri, 8 Mar 2013 11:34:23 +0000  
 Subject: Tables and Chairs at the Porter.  
 From: [robinofbath@gmail.com](mailto:robinofbath@gmail.com)  
 To: [licensing@bathnes.gov.uk](mailto:licensing@bathnes.gov.uk)  
 CC: [planning\\_enforcement@bathnes.gov.uk](mailto:planning_enforcement@bathnes.gov.uk); [manda\\_rigby@bathnes.gov.uk](mailto:manda_rigby@bathnes.gov.uk);  
[Brian\\_Webber@bathnes.gov.uk](mailto:Brian_Webber@bathnes.gov.uk); [liquorlicensing@avonandsomerset.pnn.police.uk](mailto:liquorlicensing@avonandsomerset.pnn.police.uk)

I object to this application on a number of grounds.

1. The Porter appears to be in contravention of their 2009 planning as this apparently refused them planning permission to put tables and chairs outside their premises. However the premises has been placing tables and chairs outside for some time. It would be totally inappropriate to grant these Premises an extended license for more tables and chairs when they probably shouldn't have any outside. Licensing and Planning should consider how to communicate better in future to ensure that this type of issue does not occur. There would appear to be little or no communication or liaison between these two departments at present!!

2. It is physically impossible to put 21 tables in the space that the Porter currently uses for the 8 tables for which they have licensing approval. If each table has only 2 chairs that is potentially an 26 additional people outside which during the night when these people have consumed substantial alcohol would increase the noise above the already intolerable levels coming from this establishment.

3. The space available for pedestrians and people with disabilities is very narrow even now when the Porter has its current 8 tables and chairs outside as many of their patrons also stand and congregate outside the current licensed area normally smoking. If even more tables are crammed into this small area the smokers would extend even further into the thoroughfare. In the evening it is sometimes almost impossible for people to walk

## OBJECTIONS

up/down Miles Buildings and along George Street at the corner with Miles Buildings. With 21 tables and at least 42 chairs this area would become chaotically congested.

4. The amount of litter and cigarette butts left each evening is currently unacceptable. Neighbourhood services have to clear this mess up most mornings of the week. At the very least there should be several minimum requirements under any new license.

1. For the whole area to be cleaned up at closing time each night,
2. For any designated area to be curtained off with acoustic curtains from 9pm till the pub closes to stop the sometimes appalling noise coming from the Porter's Patrons disturbing residents in east Gay Street, Miles Buildings and parts of the Circus.
3. That the licensee places a number of portable cigarette butt bins in the area after any tables and chairs are removed until closing time to ensure that the minimum number of cigarette butts are thrown on the ground as at present from the often large crowds of rowdy drinkers who stand outside most nights of the wee
4. The number of tables to be limited to 8 with 16 chairs.

In summary. The current placing of 8 tables and associated chairs appears to be in contravention of planning requirements. The current area is unsuitable for any further increase in the number of tables and chairs if planning approval is granted. The access along Miles Buildings is already seriously compromised during the busy evening times with patrons sitting and standing outside. To further increase the numbers of patrons sitting and standing outside would be unreasonable.

Robin Davies  
18 Gay Street, Bath, BA1 2PD

## OBJECTIONS

**From:** gillian ryan [mailto:gilliankr@waitrose.com]  
**Sent:** 12 March 2013 18:59  
**To:** Alan Bartlett  
**Subject:** Tables and Chairs at the Porter.

Dear Alan -

I know that Anne Dougall has emailed you about this subject – and probably you also have the below. We in Miles's Buildings are all concerned about any increase in the Porter encroaching on the slim passage outside. All the drinking and smoking outside currently make it difficult to pass with a wheelchair (my husband's) or pushchairs, or on foot! And this increase, at least, should not be allowed.

I apologise if you already have all the facts, but add my concern.

Gillian Ryan  
 7 Miles's Buildings

**From:** Robin Davies <[robinofbath@gmail.com](mailto:robinofbath@gmail.com)>  
**Date:** 8 March 2013 11:34:23 GMT  
**To:** [licensing@bathnes.gov.uk](mailto:licensing@bathnes.gov.uk)  
**Cc:** [planning\\_enforcement@bathnes.gov.uk](mailto:planning_enforcement@bathnes.gov.uk), [manda\\_rigby@bathnes.gov.uk](mailto:manda_rigby@bathnes.gov.uk),  
[Brian\\_Webber@bathnes.gov.uk](mailto:Brian_Webber@bathnes.gov.uk), [liquorlicensing@avonandsomerset.pnn.police.uk](mailto:liquorlicensing@avonandsomerset.pnn.police.uk)  
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2. It is physically impossible to put 21 tables in the space that the Porter currently uses for the 8 tables for which they have licensing approval. If each table has only 2 chairs that is potentially an 26 additional people outside which during the night when these people have consumed substantial alcohol would increase the noise above the already intolerable levels coming from this establishment.
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**OBJECTIONS**

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Robin Davies  
18 Gay Street, Bath, BA1 2PD

## **Email written to local residents that raised objections:**

Dear All,

I wanted to write to introduce myself as the new owner of The Porter – the freehold purchase was completed early February along with the purchase of 13 and 14 George Street (Moles) and 12 Miles Buildings (juice recruitment). I also own and run The Halcyon hotel in South Parade which includes Circo bar and lounge.

Since purchasing the buildings I have wanted to engage with the local residents so have met and liaised closely with the Sally Rothwell (Circus Residents Association) and Ian Perkins (Abbey Green Residents Association) to update them on my proposed plans including planning applications and details of style of proposed offering. I feel they have welcomed the change in ownership and the proposed change of direction of the offering.

I am well aware of the issues that both The Porter and Moles have created in the past so I completely understand that there is great opposition to anything that may increase the nuisance of these establishments. I too have walked down Miles' buildings on a Saturday night and I agree it is feral with teenagers running wild. You will be pleased to know that I will be shutting down The Porter in May to undertake a detailed programme of refurbishment over all floors of the building to upgrade this beautiful run down city centre building. (Moles will still have its current tenants in place but as the freeholder of the building I will take action to ensure they do not allow antisocial behaviour surrounding their club). Although, I am writing regarding your opposition to my recent application I genuinely welcome the opportunity to write to you all to tell you of the plans for the buildings. Firstly, to inform you of my intentions and of course I hope that you will become guests when we reopen!

The refurbishment will see the pub closed for a few months from approx. 19<sup>th</sup> May and reopened in late summer with a completely different offering from its present format. The ground floor will house a high quality 62 cover all day kitchen restaurant, with private lounges, conference space and private dining rooms on the upper floors. I will be investing a further £500,000 on the refurbishment so as you would expect the operation will attract a completely different clientele. I have attached a series of images that will explain the design influences of the refurbishment.

The tables and chairs application specifies high quality furniture to be used in line with the new offering – bespoke handmade hard wood benches, Lloyd Loom wicker dining armchairs and Carrara marble topped tables. There is the inclusion of smart barriers which will assist in keeping the seating within the designated area – this will be strictly enforced by the new management. As you noted in my application there has been an increased number of tables and chairs but this is within the currently licensed area. There is still substantial pavement area down Miles' Buildings to walk or use a double pushchair and this has been confirmed by the highways department in the planning application. As a father of a young baby myself and the fact that we will be encouraging mothers and babies/toddlers to visit the restaurant it is essential this access remains clear.

I appreciate that the Porter has developed a reputation with local residents for loud, unruly young drinkers spilling out on to the pavement and surrounding areas – with the changes that are set to be made in the offering this element will not be present and therefore the proposals will have a positive effect for local residents who we would hope will become patrons. We want to be part of the local community and wish to engage all during our period of change - We have also contributed to the local residents fund to fight the sea gull problems in the area. As we will be opening a high quality establishment we will help to keep the unruly patrons of Moles from making a nuisance in the area.

I appreciate that until you have seen the new Porter, then you may have reservations about my proposals – I can assure you that from a business point of view I do not want to get involved in the student end of the market. I took over a horrendous/seedy nightclub called Qube/Celcius on South parade and transformed it into an upmarket cocktail lounge that have catered events for the majority of corporates clients in Bath including Dyson, Mogers, Virgin Media, Clarks, Thrings, Mowbray Woodwards, Withy Kings, Novia, Buro Happold. – we recently won a Bath Life award for best cocktail bar/watering hole in Bath. We do not cater for a student crowd and The Porter will be the same. I believe we will be a substantial benefit to the area and its residents by replacing the current Porter pub with some where I hope you will want to visit.

From reading your concerns, I would like to address some these and make some suggestion that I hope will be agreeable.

1. **There will be an increase in noise and nuisance** – as I have suggested above there will be a considerable reduction in noise and I would say elimination of nuisance. The area will be used for diners from the ground floor restaurant – it is obviously important for The Porter business that Moles guests do not also cause any disturbances. The management would actively manage this area – (I appreciate you may have heard this before from previous management! But I can assure you it is my business that it will effect so I will ensure there is no disturbances).
2. **The area would extend into the thoroughfare on Miles' Building's** – the tables and chairs will be contained within the existing licensed area which has been confirmed by the Highways agency as acceptable. We would also introduce smart barriers (rather than tatty post and chains) to ensure there was no overspill. Strictly enforced.
3. **Cigarette butts on the pavement** – as a non-smoker (and someone who recently turned down £3,000 from a cigarette company to stock them in Circo) I dislike cigarette butts intensely. We would place cigarette bins/ashtrays and also sweep up every evening as part of the housekeeping duties – it is important for us to keep the place clean.
4. **The increase in the number of tables and chairs** – The increase in the amount of tables and chairs outside is obviously for me to increase the potential for diners to sit outside and therefore my profitability. The outside area is of great importance to my business model and as such allows me to make the improvements that we wish to make at the Porter. Without these tables and chairs I would not be able to do such an extensive programme of refurbishment. As I have outline above (apologies if I have gone on too much!) I believe that there will be a substantial benefit to the local residents so I would hope that they supported my application. However I do appreciate that until you have been able to see for yourselves the changes there will be a degree of caution. May I propose a reduction in the number of tables in this application from 21 to 16.

I have been in touch with Alan Bartlett and I hope that I would be able to meet with you all (if possible) to address your concerns so you would be able to withdraw your objections in light of the comments above and the reduction in number of tables and chairs that I will make to the application.

If there are any queries about our application you are more than welcome to contact me direct – Giles Thomas 07810 51 43 42. I look forward to hearing from you and meeting soon,

Yours sincerely  
Giles

## COMMENTS

Dear Robin/Kim,

I hope you are well –

Thank you very much for your time last week, it was nice to meet you and very helpful I hope for all of us,

I hope you got a good feel for the type of establishment that I am hoping to open and hopefully welcomed the changes. As we discussed, I am happy to discuss further any recommendations you have regarding my current table and chairs license application – if you wish to send me a list of your concerns etc. I will do my best to answer them/make alterations.

We discussed the number of chairs and perhaps this was something we can look at reducing – part of our discussion was the chairs at the front of the building on the George Street pavement. As I said, I do not envisage these to be used a great deal and I included them so that the building looks more inviting from the main street. The highways department have confirmed they are happy with the amount of space left for the walk way – we did mention that this maybe a good area for us to direct our smokers rather than the Miles' building area which may create noise for the residents in that area. I am happy to discuss either option.

One of the main concerns regarding The Porter presently was the air vent that expels air (and music!) from the basement. I have looked at our mechanical systems and believe this is something that we will be able to remove. I will have to take more professional advice to confirm but to enable us to remove this I will be spending additional money (approx. £2,500) to expel our air via the back of the building. I am happy to do this for the benefit of our neighbours.

As I mentioned, I am very happy to have the opportunity to be able to meet local residents and very happy to work with you to ensure a harmonious relationship.

I look forward to hearing from you and speak again soon,

Kind regards

Giles

Dear Mr Davies,

Thank you for the email reply,

I'll look forward to hearing from you early part of next week – I am available to meet on Monday to Wednesday if that suits, I am away on Thursday and Friday.

I understand your points regarding the history of Moles and The Porter and I sympathise with you for the disruption they have caused. I cannot comment on how it was run in the past by the previous management but I do understand your frustrations entirely.

I completed the sale of the Moles/Porter buildings in February so only 8 weeks ago and in the past few months I have commenced the preparations which will allow me to make the changes we all want to see, which includes getting the correct licenses for the outside area and planning consent for increased number of toilets. Unfortunately, whilst I am in the planning stage (including this application) the same staff/management/clientele will be present. I can assure you, I wish to work as quickly as possible to close the pub and reopen the improved offering in the shortest period of time. If I have all the necessary consents in place my intentions are to close the pub within 6 weeks.

I am very keen to engage with the local residents hence why as soon as I was in place at The Porter I contacted Sally Rothwell and Ian Perkins to discuss the issues surrounding the area. When they highlighted signage in the windows/above the door that they wished to be removed, I responded within 2 hrs. and they were removed. The sweeping of the area at the end of the night has started and indeed the commencement of sweeping up outside Moles at the weekend was commented on in one of my meetings with Sally and Ian.

I agree with you that a lot more needs to be done because it is still not pleasant in that area late at night – I am hoping to change that.

I do look forward to meeting with you and discussing further,

Kind regards

Giles

Thank you for your e-mail and yes thank you I did receive the one you sent yesterday.

Kim de Morgan and I have discussed the contents and as she is away till early next week we had planned to make contact with you then to hopefully meet and discuss the issues of concern to us regarding the Porter.

The over-riding desire of most residents in this area is that there are successful businesses in Bath that operate in harmony with the Residents who live in the city centre and who contribute so much to making the area a place that Visitors want to see and enjoy. The problems the residents have experienced emanating from the Porter and Moles over many years are truly unacceptable. The disgraceful behaviour and noise from patrons of the Porter and Moles running into the early hours of the morning several nights a week, the regular piles of vomit on the pavements, the mindless urination in people's doorways, the damage done to property and cars parked in the vicinity and the mess left from this feral behaviour has left us all sceptical that certain late night establishments are genuinely interested in living in harmony with the residents. Sadly much of this is due to the almost total lack of any enforcement of the law by the Council staff responsible and indeed the police are singularly absent in the early hours when most of these problems occur.

I understand that you have owned the Porter for some months now and you assure us that it is going to become a reformed and upgraded operation but frankly we would have thought that you would already have tackled many of the issues raised particularly the late night noise and mess left on the pavements. Hopefully you will now be looking to work



closely with us to ensure that we all benefit from a properly functioning establishment which we can support. We look forward to meeting you shortly.

Regards, Robin Davies

Dear Mr Davies,

I just wanted to write this morning to confirm you received my email yesterday, I would very much like the opportunity to discuss with you further The Porter and that area in general.

I am genuinely interested in the views of my neighbours – my mother is a Gay Street resident also so I am aware that in the past there has been issues with The Porter and Moles.

I look forward to hearing from you

Kind regards

Giles

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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.

<b>Bath &amp; North East Somerset Council</b>	
<b>MEETING:</b>	<b>Licensing (Taxis, Street Trading &amp; Miscellaneous) Sub-Committee</b>
<b>MEETING DATE:</b>	<b>Tuesday 7<sup>th</sup> May 2013</b>
<b>TITLE:</b>	<b>Approval of Vehicle for Private Hire – Mr Hugo Allen King</b>
<b>WARD:</b>	<b>ALL</b>
<b>AN OPEN PUBLIC ITEM</b>	
<b>List of attachments to this report:</b>	
<b>ANNEX A – Application Form</b>	

## **1 THE ISSUE**

- 1.1 This report invites the Sub Committee to consider whether or not to approve a Chrysler Voyager vehicle for use as a Private Hire Vehicle. The vehicle falls outside of the age requirements as stipulated in the current Private Hire vehicle licence conditions.
- 1.2 The policy adopted by the Council requires each application be dealt with on its own merits and where applications fall outside the general policy they should be referred to the Licensing (Taxis, Street Trading & Miscellaneous) Sub-Committee for determination.

## **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 £207.

### 4 THE REPORT

4.1 Section 80 of the Local Government (Miscellaneous Provisions) Act 1976 defines a private hire vehicle as 'a motor vehicle constructed or adapted to seat [fewer than nine passengers], other than a hackney carriage or public service vehicle [or a London cab] [or tramcar], which is provided for hire with the services of a driver for the purpose of carrying passengers.

4.2 Section 48 (1) of the Local Government (Miscellaneous Provisions) Act 1976 provides that a district council may on the receipt of an application from the proprietor of any vehicle for the grant in respect of such vehicle of a licence to use the vehicle as a Private Hire Vehicle, grant in respect thereof a vehicle licence:

Provided that a district council shall not grant such a licence unless they are satisfied –

(a) that the vehicle is-

- (i) suitable in type, size and design for use as a private hire vehicle;
- (ii) not of such design and appearance as to lead any person to believe that the vehicle is a Hackney Carriage;
- (iii) in a suitable mechanical condition;
- (iv) safe; and
- (v) comfortable

4.3 Section 48 (2) of the Local Government (Miscellaneous Provisions) Act 1976 provides that a district council may attach to the grant of a licence under this section such conditions as they may consider reasonably necessary including without prejudice the generality of the foregoing provisions of this subsection, conditions requiring or prohibiting the display of signs on or from the vehicle to which the licence relates.

4.4 Section 48 (7) of the Local Government (Miscellaneous Provisions) Act 1976 provides that any person aggrieved by the refusal of a district council to grant a vehicle licence under this section or by any conditions specified in such a licence, may appeal to a magistrates court.-

4.5 In July 2000 Bath and North East Somerset Council's Housing and Public Protection Committee adopted the current Private Hire General Conditions which are applicable to all Private Hire Vehicle licences issued by Bath and North East Somerset Council.

4.6 Mr King submitted an application for a Private Hire Vehicle licence in respect of a Chrysler Voyager MPV on 18<sup>th</sup> April 2013. (A copy of the application form is produced at Annex A).

4.7 The vehicle was first registered on the 14<sup>th</sup> May 2007 and at the time of application had registered 18, 295 miles.

- 4.8 The current Private Hire licence conditions state that *“The vehicle must normally be less than two years old when licensed by the Council”* and further states *“A licence might not be renewed for a vehicle over 7 years old”*.
- 4.9 Officers have been given permission by a Council’s Executive Member to exercise discretion when approving vehicles that are over two years old but not more than five years old at the time of application.
- 4.10 Mr King’s vehicle has never previously been licensed and at the time of this application was five years and 11months old.
- 4.11 The vehicle has been visually inspected by an officer of the Licensing Section who has concluded that the interior and exterior is in very good overall condition.
- 4.12 The vehicle will be available for members to inspect on the day of the meeting should they so wish to do so.

**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 management guidance.

**6 EQUALITIES**

- 6.1 An EqIA has not been completed for the following reasons. It has been identified that there are no equalities issues arising from this matter.

**7 CONSULTATION**

- 7.1 No consultation has been undertaken in respect of this report due to the personal nature of the contents and the exemption under Schedule 12a of the Local Government Act 1972.

**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), Section 151 Officer (Divisional Director - Finance) and the Information Compliance Manager have had the opportunity to input to this report and have cleared it for publication.

<b>Contact person</b>	John Dowding 01225 477689
<b>Background papers</b>	Application Form
<b>Please contact the report author if you need to access this report in an alternative format</b>	

ANNEX A

**Bath & North East  
Somerset Council**

**Local Government (Miscellaneous Provisions) Act 1976**

**APPLICATION FOR PRIVATE HIRE VEHICLE LICENCE**

(1) Full name HUGO ALLEN King  
Address STREET FARM, MEMPNEIT, THURBUELL  
CHWEN STAKE Post Code BS40 8YU  
Telephone No. 01761 462336

Hereby make application to the Bath and North East Somerset Council for a Private Hire Vehicle Licence in respect of:-

Make VAUXHALL Model VOYAGER Colour SILVER Reg.No. 2407 VCS

Passengers 6 Doors 5 CC 2470cc

Year of Manufacture 2007 Plate No. (if applicable) 287

Of which I am the \*(Sole Proprietor) \*(Part Proprietor with)

Name \_\_\_\_\_

Address \_\_\_\_\_

Post Code \_\_\_\_\_ Telephone No \_\_\_\_\_

(2) Is the vehicle fitted with a taximeter YES  NO

(3) Is the vehicle wheelchair accessible YES  NO

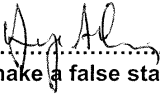
I/WE undertake, if granted a Private Hire Vehicle Licence, to ensure that this vehicle when used for private hire purpose, is adequately insured at all times and complies with the Local Government (Miscellaneous Provisions) Act 1976 and the conditions laid down by Bath and North East Somerset Council.

I understand that in order to operate my own vehicle I will require an Operator's Licence unless I work for or with a Licensed Operator. (Operator means in the course of business to make provision for the invitation or acceptance of bookings for a private hire vehicle.)



I/We declare that to the best of my knowledge and belief, the answers given overleaf are true. If a licence is granted I/We undertake to comply with conditions attached to the grant of the licence.

(6) I understand that any Licence obtained by false declaration may be suspended Or revoked by the Council.

Usual signature of applicant  Date 18.4.13  
 Applicants are advised that to make a false statement or omit any information from this application is a criminal offence.

(7) Please produce:-	(1) Current insurance certificate which must cover the vehicle for hire and reward.
	(2) Vehicle Registration document.
	(3) MOT Certificate for all vehicles over one year old when licensed.
	(4) Vehicle Inspection Sheet (Issued By Authorised Garage)
	(5) Certificate Of Meter Compliance (If Taximeter Fitted)
	(6) 2012/ 2013 Total Fees Payable including roof sign on new application: £394 (New Application.) £127 (Vehicle Substitution) £256 (Annual Licence Renewal)
Please present all documents in person to:-	Bath and North East Somerset Council Licensing Taxi Licensing Office Locksbrook Road Bath BA1 3EL Tel 01225 477689

**POSTAL APPLICATIONS WILL NOT BE ACCEPTED.**

**APPEALS PROCEDURE**

- (1) Any person aggrieved by:-
- (a) the refusal of the District Council to grant a licence under Local Government (Miscellaneous Provisions) Act 1976 or
  - (b) any conditions attached to the grant of a vehicle licence -
- may appeal to the Magistrate's Court
- (2) Appeals must be brought within 21 days.
- (3) A further right of appeal lies to the Crown Court from the Magistrate's Court.

This authority is under a duty to protect the public funds it administers, and to this end may use the information you have provided on this form within this authority for the prevention and detection of fraud. It may also share this information with other bodies administering or in receipt of public funds solely for these purposes.

For further information see;  
<http://www.bathnes.gov.uk/BathNES/councilanddemocracy/dataprotectionandfreedomofinformation/nfi.htm> or contact the Information and Governance Team, Guildhall, High St, Bath BA1 5AW. Email [information\\_governance@bathnes.gov.uk](mailto:information_governance@bathnes.gov.uk)

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### **Licensing (Taxis, Street Trading & Miscellaneous) Sub-Committee Hackney Carriage (taxi) and Private Hire Proprietors' 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 (or his/her representative) addresses the Sub-Committee.
4. The Applicant may be asked questions about the matter 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 present whether they have any comments they wish to make. The Officer making comment may be asked questions.
7. (i) Any interested party making relevant representations will take it in turn to address the Sub-Committee. Interested parties may be asked relevant questions by the Sub-Committee, the Applicant and other interested parties.  
(ii) Interested parties may call witnesses in support of their representations and each witness may be asked relevant questions by the Sub-Committee, the Applicant and other interested parties.
8. Interested 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 with reasons within the statutory time limits.

#### **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 12

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By virtue of paragraph(s) 1, 2, 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

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