

Licensing Sub-Committee

Date: Wednesday, 27th June, 2018

Time: 10.00 am

Venue: Kaposvar Room - Guildhall, Bath

Councillors: Les Kew, Deirdre Horstmann and Caroline Roberts

Chief Executive and other appropriate officers
Press and Public

A briefing session for Members will be held at 9.30am in the room where the meeting is to take place.



Sean O'Neill

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NOTES:

1. **Inspection of Papers:** Papers are available for inspection as follows:

Council's website: <https://democracy.bathnes.gov.uk/ieDocHome.aspx?bcr=1>

Paper copies are available for inspection at the **Public Access points:-** Reception: Civic Centre - Keynsham, Guildhall - Bath, The Hollies - Midsomer Norton. Bath Central and Midsomer Norton public libraries.

2. **Details of decisions taken at this meeting** can be found in the minutes which will be circulated with the agenda for the next meeting. In the meantime, details can be obtained by contacting as above.

3. **Recording at Meetings:-**

The Openness of Local Government Bodies Regulations 2014 now allows filming and recording by anyone attending a meeting. This is not within the Council's control.

Some of our meetings are webcast. At the start of the meeting, the Chair will confirm if all or part of the meeting is to be filmed. If you would prefer not to be filmed for the webcast, please make yourself known to the camera operators.

To comply with the Data Protection Act 1998, we require the consent of parents or guardians before filming children or young people. For more information, please speak to the camera operator.

The Council will broadcast the images and sound live via the internet www.bathnes.gov.uk/webcast The Council may also use the images/sound recordings on its social media site or share with other organisations, such as broadcasters.

4. **Public Speaking at Meetings**

The Council has a scheme to encourage the public to make their views known at meetings. They may make a statement relevant to what the meeting has power to do. They may also present a petition or a deputation on behalf of a group. They may also ask a question to which a written answer will be given. **Advance notice is required not less than two full working days before the meeting. This means that for meetings held on Thursdays notice must be received in Democratic Services by 5.00pm the previous Monday.** Further details of the scheme:

<https://democracy.bathnes.gov.uk/ecCatDisplay.aspx?sch=doc&cat=12942>

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 signposted. Arrangements are in place for the safe evacuation of disabled people.

6. **Supplementary information for meetings**

Additional information and Protocols and procedures relating to meetings

<https://democracy.bathnes.gov.uk/ecCatDisplay.aspx?sch=doc&cat=13505>

Licensing Sub-Committee - Wednesday, 27th June, 2018

at 10.00 am in the Kaposvar Room - Guildhall, Bath

A G E N D A

1. EMERGENCY EVACUATION PROCEDURE

The Chair will draw attention to the emergency evacuation procedure as set out under Note 5 on the previous page.

2. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

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 or a member of his staff before the meeting to expedite dealing with the item during the meeting.

4. TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

5. MINUTES : 26TH APRIL 2018 (Pages 7 - 12)

6. EXCLUSION OF THE PUBLIC

The Committee is asked to consider passing the following resolution:

“the Committee 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, **RESOLVES** that the public shall be excluded from the meeting for agenda item 9, and that the reporting of that item be prevented under Section 100A(5A), because of the likely disclosure of exempt information as defined in paragraphs 1 and 2 of Part 1 of Schedule 12A of the Act, as amended.

7. TAXI PROCEDURE (Pages 13 - 16)
8. APPLICATION FOR COMBINED HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE (Pages 17 - 28)
9. LICENSING ACT PROCEDURE (Pages 29 - 32)
The Chair will, if required, explain the licensing procedure.
10. APPLICATION FOR A PREMISES LICENCE FOR THE SPIRIT OF THE HORSE, BIG TOPS, FRONT TRIANGLE, BATH RACECOURSE, LANSDOWN, BATH BA1 9BU (Pages 33 - 68)
11. TABLES AND CHAIR PROCEDURE (Pages 69 - 72)
12. APPLICATION FOR PERMISSION TO PROVIDE FACILITIES ON THE HIGHWAY FOR RECREATION/REFRESHMENT AT HANDS TEAROOM, 1 ABBEY STREET, BATH BA1 1NN (Pages 73 - 92)

The Committee Administrator for this meeting is Sean O'Neill who can be contacted on 01225 395090.

BATH AND NORTH EAST SOMERSET COUNCIL

LICENSING SUB-COMMITTEE

Thursday, 26th April, 2018, 10.00 am

Councillors: Les Kew (Chair), Deirdre Horstmann and Caroline Roberts

Officers in attendance: Shaine Lewis (Team Leader Resources - Legal Team), Alan Bartlett (Public Protection Team Leader) and Terrill Wolyn (Senior Public Protection Officer)

104 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer advised those present of the procedure.

105 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were none.

106 DECLARATIONS OF INTEREST

There were none.

107 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was none.

108 MINUTES: 15TH MARCH 2018

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

109 LICENSING PROCEDURE

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

110 APPLICATION TO VARY THE PREMISES LICENCE FOR SHELL WAITROSE ELM TREE, WELLS ROAD, WESTFIELD, RADSTOCK BA3 3UR

Applicant: Shell UK Oil Products Ltd, represented by Sarah Clover (Legal Representative, Kings Chambers), Corrigan Lockett (Lockett & Co Licensing Consultants), Garry Wharmby (Retailer for Shell UK Oil Products Ltd)

Other Persons: Greg Carpenter-George, Ian Cole, Mr and Mrs Warne

The parties confirmed that they understood the procedure to be followed for the hearing.

The Senior Public Protection Officer presented the report. The application was for the variation of an existing licence by extending the hours for the sale of alcohol for consumption off the premises to 24 hours a day, by adding late night refreshment daily between 23:00 and 05:00 the following morning and by revising the floor plan.

The premises was already licensed to open 24 hours a day. The applicant had offered no additional measures in the operating schedule. Twelve representations had been received from Other Persons, which related to all four of the licensing objectives. No representations had been received from Responsible Authorities.

Ms Clover began the submission for the applicant. She asked Members to note that this was not the first time that the applicant was applying to sell alcohol at the premises or to sell it late in the evening; the current licence already allowed the sale of alcohol until 23:00. There had been no representations from the Responsible Authorities. There had been no reported incidents at the premises. She submitted that the issues raised in the representations had not been linked to the premises, and there was nothing in the premises log book corresponding to the concerns raised. There were no reports of the police being called to the premises. The representations seemed to reflect residents' fears about what might happen, rather than actual events in the past.

She invited Mr Lockett to provide some details about the application. Mr Lockett sought leave to submit additional written information, but after examining it the Other Persons questioned its relevance, so leave was refused by the Chair. Mr Lockett said that the premises would in future operate as a convenience store under the Waitrose brand, and would be more focussed on groceries and ready meals than in the past. It would in fact be like a mini Waitrose and not a typical Shell store. He said that his company worked with Shell across the whole of the UK, so the application was based on a lot of previous experience. A refusals log and an incident log were kept. There was a training manual, and staff were trained regularly. There was also a supervisor's manual. All staff were fully authorised to sell alcohol. A Challenge 25 policy was operated. He submitted that there was a very high standard of operation at Shell premises compared with many outlets selling alcohol. A small section for chilled drinks, such as lager, would be added, and the alcohol section would in future be in a single line, which would make it easier to monitor. The range of alcoholic drinks sold would not change dramatically.

In conclusion Ms Clover requested Members to note the lack of linkage between the content of the representations and the premises and the absence of representations from the Responsible Authorities.

Replying to questions from Members the applicant stated:

- The police had not been called to the premises during the three years that Mr Wharmby had been manager.
- CCTV operated 24 hours a day and recordings were retained for 31 days.
- The premises did not open 24 hours a day at present, though there was authority for this in the current licence. It was Shell's intention to open all its retail outlets 24 hours a day and to sell alcohol 24 hours a day, if the level of business justified this, unless planning or other conditions prevented it.

There were no questions from the Other Persons.

The Other Persons stated their cases.

Greg Carpenter-George said that he lived just over road from the premises. Between his residence and the premises there was a public footpath in which there is always a massive amount of litter, as it is not cleaned on a regular basis. A lot of it, including black bags, came from the premises. He expected litter to increase with the increased opening hours of the premises. The accumulation of litter in the lane had moderated while the premises was closed during refurbishment. He did not agree that the lack of reported complaints indicated that there was no problem. It was too much to expect residents to contact the police every time an incident occurred. Because something is not logged, that does not mean it did not happen. The absence of recorded complaints was not a reliable indicator. Sometimes residents had to close windows because of noise. He did not think the application was appropriate in an area where there was a great deal of underage drinking. He submitted that the hours applied for were excessive, especially in a rural area. There were many other outlets from which alcohol could be bought within a short distance. He originally came from Birmingham, but had chosen to live in a rural area because he wanted peace and quiet. There had been occasions when people coming to the garage had opened all their car doors with music blaring. He challenged the claim that every incident had been logged. 24-hour sale of alcohol was not necessary.

Replying to questions from Members he stated:

- At present there was not a great deal of noise after 23:00.
- He did not accept that there would be no problems just because the store would be branded as “high-quality” Waitrose. Late-night shoppers who had already been drinking would cause problems wherever they bought drink.
- He had been lax in reporting incidents that had occurred. There were problems now and he feared they would increase with the increased hours.

Ian Cole did not wish to make a statement.

Mrs Warne stated her case. She said that the premises was surrounded by residences. Two bungalows on one side were occupied by very elderly couples. They had problems with noise. She was apprehensive about what would happen in the summer with a 24-hour licence. There had been terrible problems with underage drinking in the past. A Panorama programme had had a report from Westfield Park, some four or five hundred metres from the premises, where there had been underage drinkers as young as ten. Adults had purchased drink for them. It had taken years to improve the situation. There was an anti-social element in the community, who residents were generally content to live with and tried to work round.

It was a worrying prospect that people could return from the pubs in Bath at 3am and purchase more alcohol locally, after all the effort that had been put into tackling the previous problems. Most problems, such as people vomiting and urinating in the local alleyways, occurred away from the premises and out of sight of the CCTV.

About a year ago a car had been driven down her road by a drunken driver late at night, and had ploughed into parked cars before crashing outside her house. She

had gone downstairs to investigate, and saw five people in their 20s all drunk. The driver ran off before the police arrived.

The premises would be the only outlet between Bath and Shepton Mallet selling alcohol for 24 hours a day, and it would be absurd to think it was not going to be used by young people out for a good time. Fear for the future was based on what had happened in the past. She had lived there for twenty-five years, and had seen problems occur again and again, and all because of alcohol. Residents' quality of life had improved dramatically since the pub had closed and houses and flats had been built on the site.

Mr Warne said that Midsomer Norton and Radstock had a reputation for alcohol-related problems. The premises would be the only outlet in the vicinity selling alcohol after 23:00. Residents' fears for the future were based on what had happened in the past.

The Other Persons did not wish to sum up.

Ms Clover summed up for the applicant. She noted that the Other Persons had made contradictory statements, Mr Carpenter-George having said that the application was unnecessary, since there were plenty of other outlets in the area selling alcohol, whereas Mr and Mrs Warne had said that if the application were granted the premises would be the only outlet selling alcohol after 23:00. Mrs Warne had said that residents' lives had improved since the pub had closed. There was no evidence specifically relating to the premises, and, in accordance with the law, in the absence of such evidence the application had to be granted.

Following an adjournment the Sub-Committee **RESOLVED** to grant the variation as applied. Authority was delegated to the licensing officer to issue the licence.

Reasons

Members have had to determine an application to vary a Premises Licence at Shell/Waitrose, Wells Road, Radstock. In doing so, they have taken into consideration the Licensing Act 2003, Statutory Guidance, the Council's Policy and the Human Rights Act 1998.

Members are aware that the proper approach under the Licensing Act is to be reluctant to regulate in the absence of evidence and they must only do what is appropriate and proportionate in the promotion of the licensing objectives based on the information put before them. Members noted that each application is considered on its own merits.

Members were careful to take account of the relevant written and oral representations and were careful to balance their competing interests. Members were however careful to disregard irrelevant matters such as traffic and noise, the need for a 24 hour licence, amenity, and matters not associated or attributable to the premises. For example, nuisance, anti – social behaviour whilst the premises are closed, general litter and drink driving.

The Applicant

The applicant stated this is a variation of a licence relating to a convenience store that is well established in the local area which is licensed to sell alcohol until 11pm. The premises, however, is soon to undergo refurbishment and reopen later in the year under the Waitrose brand. Whilst it presently has the benefit of a premises licence until 11 pm, once reopened it is intended that the store will offer an enhanced range of goods, fresh/frozen foods and fuel etc. 24 hours a day 7 days per week, including the sale of alcohol. The applicant noted that Responsible Authorities had not made representations and there are no reported incidents relating to the premises. The applicant added that the store will be operated by an experienced manager assisted by a team of full and part time staff and that the Designated Premises Supervisor will be responsible for training all staff, completing and maintaining training records and operating the Premises in accordance the Lockett & Co Due Diligence package. The Due Diligence package contains a range of materials for premises licence operators, including a training manual, refusals log, incident log and awareness badges and posters relating to underage sale, Drink Awareness and Challenge 25. It was further stated that the range of alcohol offered will not significantly change and the extension in hours will give customers and the store more flexibility.

In terms of Interested Party representations, it was stated that the incidents raised do not match any of the incidents recorded in the store's incident log or appear to be connected with the operation of the premises. Whilst not belittling the representations, the applicant stated Shell take these concerns seriously.

The Interested Parties/Responsible Authorities

The relevant representations received from Interested Parties raised all 4 licensing objections although focused on anti-social behaviour and public nuisance in the local area. The Interested Parties stated that litter from the premises collects in the public footpath opposite, and it is feared that this together with anti-social behaviour currently experienced will increase. It was further stated that there are young and elderly people in the area, underage drinking has been a problem in the past which has improved due to the hard work of residents and licensees, and there is no need for a 24 hour licence given the number of licensed premises in the area.

Members

Members carefully considered the representations made on behalf of the Applicant and Interested Parties and noted there were no representations for Responsible Authorities.

Members reminded themselves that the premises are not permitted to sell alcohol by retail after 11 pm or provide late night refreshment but nevertheless they are permitted to open 24 hours 7 days per week although choose not to. With regard to Interested Parties, Members noted that a number of the representations acknowledge some reported anti-social behaviour and nuisance occurs when the premises are closed and that matters have improved since the Elm Tree public house closed. Accordingly, and whilst the representations refer to drink fuelled behaviour, in the absence of information or an evidential basis linking anti-social behaviour or nuisance to the premises Members cannot speculate or attribute any such incidences to the premises.

In all the circumstances Members found that given the history of the premises and the conditions on the current licence granting this application is unlikely to have a detrimental effect on the licencing objectives. Therefore, the application is granted as applied for with authority to issue the licence delegated to the licensing officer.

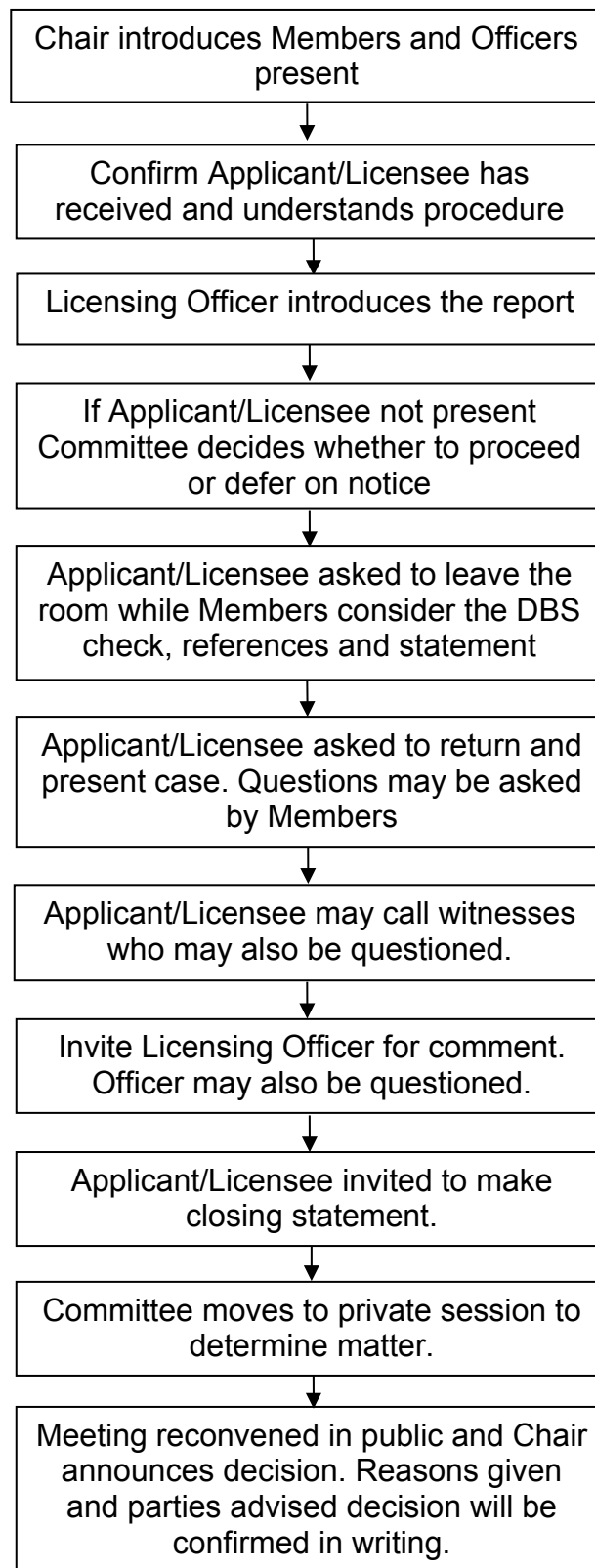
The meeting ended at 11.25 am

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services

**LICENSING SUB-COMMITTEE
HACKNEY CARRIAGE (TAXI) AND
PRIVATE HIRE VEHICLES DRIVERS' LICENCE PROCEDURE**



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**Licensing Sub Committee
Hackney Carriage (taxi) and Private Hire
Driver Application Procedure**

1. The Chair will introduce Members of the Committee, introduce the Officers present, explain the procedure to be followed and ensure those present have received and understood that procedure.
2. The Licensing Officer will outline the nature of the matter to be considered by the Committee.
3. The Applicant, representative and/or witness is asked to leave the room while the Committee consider the Disclosure and Barring Service report, references and statement.
4. The Applicant, representative and/or witness returns and presents the case to the Committee.
5. The Applicant may be questioned about the matter by the Committee.
6. The Applicant may call witnesses in support of their application and each witness may be asked questions.
7. The Chair will ask the Licensing Officers present whether they wish to comment. If an Officer makes comment they may be asked questions.
8. The Applicant will be invited to make a closing statement.
9. The Chair will invite the Committee to move into private session to enable the Members to deliberate in private. The Committee will reconvene publicly if clarification of evidence is required and/or legal advice is required. The Committee may retire to a private room, or alternatively require vacation of the meeting room by all other persons.
10. Whilst in deliberation the Committee will be accompanied by Legal and Democratic Services Officers for the purpose of assisting them in drafting their reasoning for the decision.
11. The Committee will reconvene the meeting and the Chair will announce the Committee's decision with reasons and advise that the decision will be released in writing within the statutory time limits.

Updated November 2013

PLEASE NOTE:

- Where the Committee considers it necessary the procedure may be varied.
- In circumstances where a party fails to attend the Committee will consider whether to proceed in absence or defer to the next meeting. Should a matter be deferred the deferral notice will state that the matter may proceed in a party's absence on the next occasion. In deciding whether to proceed all notices, communications and representations will be considered.
- Only in **exceptional circumstances** will the Committee take account of additional late documentary or other information and will be at the discretion of the Chair and on notice to all the other parties. No new representations will be allowed at the hearing.
- The Committee will disregard all information or representations considered irrelevant.
- The hearing will take the form of a discussion. The Committee will allow parties to the proceedings to ask questions. Formal cross examination will be discouraged and, should they be necessary, supplementary questions allowed for clarification purposes only.
- Parties will have an equal amount of time to present their cases. Whilst time limits are at the Chair's discretion, in the interests of cost and efficiency, presentations will not normally exceed **twenty minutes** to include summarising the case. Time limits 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.
 2. Where several parties are making the same or similar representations it is suggested that one representative is appointed to avoid duplication and to make the most efficient use of the allocated time.
 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 request that persons behaving in a disruptive manner should leave the hearing and their return refused, or allowed subject to conditions. An excluded person is however, entitled to submit the information they would have been entitled to present had they not been excluded.
 - Bath & North East Somerset Council is committed to taking decisions in an honest, accountable and transparent fashion. On occasion however, it may be necessary to exclude members of the press and public pursuant to the Local Government Act 1972 Schedule 12 (a). In those circumstances reasons for such decisions will be given.
 - If a person has special needs regarding access, hearing or vision, this should be brought to the Licensing Authority's attention prior to the hearing so that reasonable adjustments may be made.

Access to Information Arrangements

Exclusion of access by the public to Council meetings

Information Compliance Ref: LGA 802/18
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Meeting / Decision: Licensing Sub-Committee

Date: Thursday 7 th June 2018
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Author: John Dowding

Exempt Report Title: Application For Hackney Carriage/Private Hire Driver's Licence

Exempt Appendix Title:

Annex A – Application Form

Annex B - Policy on Previous Convictions, Cautions and Fixed Penalty Notices.
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The Report contains exempt information, according to the categories set out in the Local Government Act 1972 (amended Schedule 12A). The relevant exemption is set out below.

Stating the exemption:

- | |
|---|
| <ol style="list-style-type: none"> 1. Information relating to any individual 2. Information which is likely to reveal the identity of an individual 3. Information relating to the financial or business affairs of any particular person (including the authority holding that information) |
|---|

The public interest test has been applied, and it is concluded that the public interest in maintaining the exemption outweighs the public interest in disclosure at this time. It is therefore recommended that the Report be withheld from publication on the Council website. The paragraphs below set out the relevant public interest issues in this case.

PUBLIC INTEREST TEST

If the sub-Committee wishes to consider a matter with press and public excluded, it must be satisfied on two matters.

Firstly, it must be satisfied that the information likely to be disclosed falls within one of the accepted categories of exempt information under the Local Government Act 1972.

The officer responsible for this item believes that this information falls within the following exemptions and this has been confirmed by the Council's Information Compliance Manager.

The following exemptions are engaged in respect to this report:

1. Information relating to any individual
2. Information which is likely to reveal the identity of an individual
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information)

Exemptions 1 and 2 above must be considered in conjunction with the Principles of the Data Protection Act 1998 (DPA). It is considered that disclosure of the information in this report would breach the first principle of the DPA, which requires personal data to be fairly and lawfully processed. Further, as any information revealed by the Disclosure and Barring Service (DBS) check is likely to constitute sensitive personal data in terms of the DPA, this information cannot be disclosed by the Council without the explicit consent of the individual concerned.

Secondly, it is necessary to weigh up the arguments for and against disclosure on public interest grounds. It is considered that there is a public interest in information about individuals applying for taxi licences in the area, and in particular, information as to the backgrounds of those individuals.

Other factors in favour of disclosure include:

- furthering public understanding of the issues involved;
- furthering public participation in the public debate of issues, in that disclosure would allow a more informed debate;
- promoting accountability and transparency by the Council for the decisions it takes;
- allowing individuals and companies to understand decisions made by the Council affecting their lives and assist individuals to challenge those decisions.

However there is a real risk that the first Principle of the DPA will be breached by this disclosure, and that the individual/s concerned could bring a successful action against the Council if the disclosure occurred. Therefore it is recommended that exemptions 1 and 2 in Schedule 12A stand. The Council considers that the public interest is in favour of not holding this matter in open session at this time and that any reporting on the meeting is prevented in accordance with Section 100A(5A)

Due to the factors outlined above, further consideration has not been given to the application of exemption 3 of Schedule 12A.

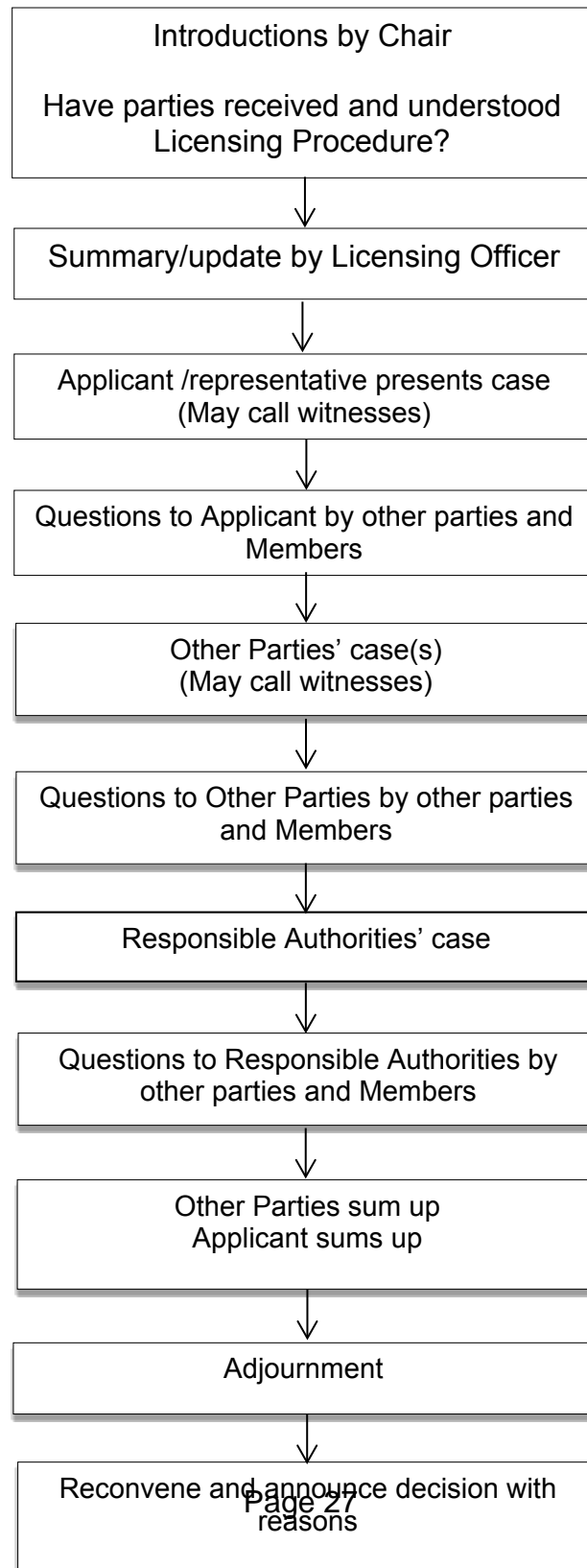
By virtue of paragraph(s) 1, 2, 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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**LICENSING SUB-COMMITTEE
LICENSING ACT 2003
PROCEDURE FOR NEW APPLICATIONS AND VARIATIONS**

*The parties will be allowed an equal maximum period of time not normally exceeding **twenty minutes**. Where more than one party make representations the time should be split equally between them. Where several parties make similar representations one representative should be appointed avoiding duplication and making the best use of the available time*



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LICENSING SUB-COMMITTEE
LICENSING ACT 2003
PROCEDURE FOR HEARING AN APPLICATION FOR A NEW PREMISES
LICENCE OR FOR A VARIATION OF A PREMISES LICENCE

*The Chair will allow the parties an equal maximum period of time in which to make representations that will not normally exceed **twenty minutes**. Where more than one party makes relevant representations this time will be split between the parties and where several parties make similar representations it is suggested one representative is appointed to avoid duplication.*

The term “party” or “parties” will mean anyone to whom notice of this meeting has been given.

1. The Chair will introduce Members of the Sub-Committee, the Officers present and explain the procedure to be followed.
2. The Licensing Officer will outline the nature of the matter to be considered by the Sub-Committee.
3. (i) The Applicant/Licence Holder , or representative, addresses the Sub-Committee who may be asked relevant questions by the other parties and Members.
(ii) witnesses may be called in support of the application who may be asked relevant questions by the other parties and Members.
4. (i) Any party making relevant representations, or representative, will address the Sub-Committee who may be asked relevant questions by the Applicant, other parties and Members.
(ii) witnesses may be called in support of such representations who may be asked relevant questions by the Applicant, other parties and Members.
5. Responsible Authorities making representation will address the Committee and may be asked relevant questions by the Applicant, other parties and Members.
6. The other parties will be invited in turn to summarise their representations.

Responsible Authorities will be invited to summarise their representations

The Applicant/ Licence Holder will be invited to summarise the application.

8. The Chair will invite the Committee to move into private session to enable the Members to deliberate in private. The Committee will reconvene publicly if clarification of evidence is required and/or legal advice is required. The Committee may retire to a private room, or alternatively require vacation of the room by all other persons.

Whilst in deliberation the Committee will be accompanied by Legal and Democratic Service Officers for the purpose of assisting them in drafting their reasoning for the decision.

The Committee will reconvene the meeting and the Chair will announce the Committee’s decision with reasons and advise that the decision will be released in writing within the statutory time limits or advise that the decision will be

released in writing with reasons within the statutory time limit, in this instance, 5 working days.

PLEASE NOTE:

- Where the Sub-Committee considers it necessary to do so, it may vary this procedure.
- In circumstances where a party fails to attend the Committee will consider whether to proceed in absence. Should a matter be deferred the deferral notice will state that the matter may proceed in a party's absence on the next occasion. In deciding whether to proceed all notices, communications and representations will be considered.
- Only in **exceptional circumstances** will the 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 hearing will take the form of a discussion and parties will be able to ask questions as set out above. However, formal cross examination will be discouraged.
- The Authority will disregard any information or representation given by a party which is not relevant to the Application and the Licensing Act 2003.
- Where there is more than one party making relevant representations the time allocated will be split between those parties.
- Where several parties are making the same or similar representations it is suggested that one representative is appointed to avoid duplication and make efficient use of the allocated time.
- Where an objection is made by an association or residents group, a duly authorised person – as notified to the Licensing Authority – may speak on behalf of that association or group.
- The Chair may request that persons behaving in a disruptive manner should leave the hearing and their return refused, or allowed subject to conditions. An excluded person is however, entitled to submit the information they would have been entitled to present had they not been excluded.

Bath & North East Somerset Council is committed to taking decisions in an honest, accountable and transparent fashion. On occasion however, it may be necessary to exclude members of the press and public pursuant to the Local Government Act 1972 Schedule 12 (a). In those circumstances reasons for such decisions will be given.

Bath & North East Somerset Council		
MEETING:	Licensing Sub Committee	AGENDA ITEM NUMBER
MEETING DATE:	Wednesday 27 June 2018	
TITLE:	Application for a Premises Licence for Spirit of the Horse, Big Tops, Front Triangle, Bath Racecourse, Lansdown, Bath BA1 9BU	
WARD:	Bathavon North	
AN OPEN PUBLIC ITEM		
List of attachments to this report:		
Annex A	Application for a new premises licence	
Annex B	Plan of premises and site plan	
Annex C	Representation received from the Police	
Annex D	Applicant's written agreement to conditions proposed by Police.	

1 THE ISSUE

- 1.1 An application has been received from Equestrian Theatre Limited for a new Premises Licence under s.17 of the Licensing Act 2003 in respect of Spirit of the Horse, Big Tops, Front Triangle, Bath Racecourse, Lansdown, Bath BA1 9BU.

2 RECOMMENDATION

- 2.1 That the Sub Committee determines this application.

3 RESOURCE IMPLICATIONS

- 3.1 The costs of processing licences are covered by the fees charged. The fee for this application is £450.00.

4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL

- 4.1 An Equality Impact Assessment (Eq1A) has been completed. No adverse or other significant issues were found.
- 4.2 Consideration must be given to the Human Rights Act 1998 and the "convention rights".
- 4.3 The Sub Committee have been delegated authority to determine the application on behalf of the Licensing Authority in accordance with the Licensing Act 2003.

4.4 When reaching a decision, the Licensing Authority must carry out its functions with a view to promoting the four licensing objectives.

5 THE REPORT

5.1 An application has been received for a new Premises Licence (Annex A).

5.2 The application proposes the following licensable activities:

- 1) The **Sale of Alcohol** for consumption **on the premises** between the following hours:

Thursday	18:00 - 22:00
Friday	15:45 – 22:00
Saturday	13:00 – 22:00
Sunday	13:00 – 22:00

- 2) Regulated Entertainment by way of the playing of **Recorded Music**, indoors only:

Thursday	18:00 - 22:00
Friday	15:45 – 22:00
Saturday	13:00 – 22:00
Sunday	13:00 – 22:00

- 3) Regulated Entertainment by way of the **Performance of Dance** and **Anything of a Similar Description** to recorded music or the performance of dance, indoors only:

Thursday	19:00 - 22:00
Friday	16:45 – 22:00
Saturday	14:00 – 22:00
Sunday	14:00 – 22:00

- 4) The **Opening Hours** proposed are:

Thursday	18:00 - 22:15
Friday	15:45 – 22:15
Saturday	13:00 – 22:15
Sunday	13:00 – 22:15

5) The following **measures** have been offered by the applicant to promote the licensing objectives:

- This is an annual licence authorising one event each year between the months of June and September;
- Two months notification of the event will be given to the Licensing Authority in respect of any future events;
- There shall be car park attendants on site;
- There shall be night security, and SIA registered door supervisors shall be on the premises when the venue is open to the public;
- There shall be stewarding with portable radio links;
- All public access areas shall be fenced;
- Signage shall be displayed in relation to toilets, emergency exits and the box office;
- There shall be an evacuation procedure in place;
- There shall be first aiders and fire marshals on site;
- The production shall take place within a Big Top;
- Entry only permitted on production of a valid ticket;
- The premises shall operate a Challenge 25 age verification policy;
- There shall be a Lost Children Policy in place.

5.3 The proposed layout of the premises and site plan are attached at Annex B.

5.4 The Licensing Act 2003 (Section 4) states that it is the duty of all Licensing Authorities to carry out their functions under the Act with a view to promoting the licensing objectives. The licensing objectives are:

- a) The Prevention of Crime and Disorder;
- b) Public Safety;
- c) The Prevention of Public Nuisance; and
- d) The Protection of Children from Harm.

Each objective is of equal importance. As there are no other licensing objectives, these four are of paramount consideration at all times. When

considering applications, representations or notifications, the Licensing Authority will have regard to these licensing objectives.

- 5.5 The Licensing Authority may grant the application with or without additional conditions.
- 5.6 Section 4(3)Licensing Act 2003 states that the Licensing Authority should also have regard to the Council's Licensing Policy, the Statutory Guidance issued under Section 182 of the Licensing Act 2003, and the Licensing Act itself, and in particular to:-
- a) Paragraphs 3-6, 8-10, 13-14, 17-24, 29,33-36, 38-41 of the 2015 policy.
 - b) Chapters 2, 8, 9 and 10 of the Statutory Guidance as revised **April 2018**.
 - c) Sections 4, 9, 10, 11, 12, 13, 16, 17, 18, 23, 182, and 183 of the Act.
- 5.7 The Licensing Authority recognises that Licensing and Planning are separate regimes. Where an application is granted by the Licensing Authority which would require planning permission this would not relieve the applicant of the need to obtain that permission. It will still be necessary for the applicant to ensure that he/she has **ALL** the necessary permissions in place to enable them to run the business within the law.
- 5.8 If the application is refused the applicant may appeal within 21 days of the notification to the Magistrates' Court. If the application is granted the person making the relevant representation may appeal within 21 days of the notification to the Magistrates' Court. On appeal the court may either dismiss the appeal, substitute the decision appealed against for any other decision which could have been made by the Licensing Authority, or remit the case to the Licensing Authority to dispose of in accordance with the direction of the court. The court may make such order for costs as it thinks fit.
- 5.9 In accordance with the requirements of the Act, copies of the application were forwarded to the police, the fire authority, environmental health, development control, trading standards, health authority and the child protection agency.
- 5.10 The applicant is required to place a notice at the premises for a period of 28 consecutive days starting the day after the application is made, and to place an advert in a local newspaper within 10 working days of submitting the application to the licensing authority.
- 5.11 A representation has been received from the Police expressing concern that the applicant's proposals fail to adequately promote all of the licensing objectives and recommends additional measures to mitigate those concerns (Annex C).

5.12 The applicant has agreed in writing to the measures recommended by the police (Annex D).

5.13 This report has not been sent to the Trades Union because they would have no involvement.

6. RATIONALE

6.1 As representations have been received the Sub Committee must determine the application in accordance with the Licensing Act 2003.

7 OTHER OPTIONS CONSIDERED

7.1 None.

8 CONSULTATION

8.1 In accordance with the Licensing Act 2003 (Premises Licence and Club Premises Certificate) Regulations 2005, the applicant has given notice of the application to all the relevant Responsible Authorities and has advertised the application in the manner prescribed, both at the premises and within a local publication.

9 RISK MANAGEMENT

9.1 A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision making risk management guidance.

10 ADVICE SOUGHT

10.1 The Council's Monitoring Officer (Head of Legal & Democratic Services and Council Solicitor), section 151 Officer (Divisional Director-Business Support) and the Group Manager Public Protection & Health Improvement have had the opportunity to input to this report and have cleared it for publication.

Contact person	Terrill Wolyn, Senior Public Protection Officer 01225 396939
Background papers	Licensing Act 2003 Guidance issued under s.182 of the Licensing Act 2003 Licensing Act 2003 (Premises and Club Premises Certificates) Regulations 2005 B&NES Statement of Licensing Policy

**Application for a premises licence to be granted
under the Licensing Act 2003**

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We EQUESTRIAN THEATRE LTD
(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description			
BIG TOPS FRONT TRIANGLE BATH RACECOURSE LANSDOWN			
Post town	BATH	Postcode	BA1 9BU
Telephone number at premises (if any)		—	
Non-domestic rateable value of premises		£ 124,000	

Part 2 – Applicant details

Please state whether you are applying for a premises licence as Please tick as appropriate

- | | | |
|--|-------------------------------------|-----------------------------|
| a) an individual or individuals * | <input type="checkbox"/> | please complete section (A) |
| b) a person other than an individual * | | |
| i as a limited company/limited liability partnership | <input checked="" type="checkbox"/> | please complete section (B) |
| ii as a partnership (other than limited liability) | <input type="checkbox"/> | please complete section (B) |
| iii as an unincorporated association or | <input type="checkbox"/> | please complete section (B) |
| iv other (for example a statutory corporation) | <input type="checkbox"/> | please complete section (B) |
| c) a recognised club | <input type="checkbox"/> | please complete section (B) |
| d) a charity | <input type="checkbox"/> | please complete section (B) |

- e) the proprietor of an educational establishment ☐ please complete section (B)
- f) a health service body ☐ please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales ☐ please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England ☐ please complete section (B)
- h) the chief officer of police of a police force in England and Wales ☐ please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or ☐

I am making the application pursuant to a
 statutory function or ☐
 a function discharged by virtue of Her Majesty's prerogative ☐

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
Date of birth		I am 18 years old or over <input type="checkbox"/> Please tick yes			
Nationality					
Current residential address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		

Date of birth		I am 18 years old or over <input type="checkbox"/> Please tick yes	
Nationality			
Current residential address if different from premises address			
Post town		Postcode	
Daytime contact telephone number			
E-mail address (optional)			

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name	EQUESTRIAN THEATRE LTD
Address	34 New HOUSE, 67-68 HATTON GARDEN LONDON EC1N 8JY
Registered number (where applicable)	11082254
Description of applicant (for example, partnership, company, unincorporated association etc.)	COMPANY
Telephone number (if any)	01260 276627
E-mail address (optional)	info@spiritofthehorshow.com

Part 3 Operating Schedule

When do you want the premises licence to start?

DD MM YYYY
05 07 2018

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD	MM	YYYY

Please give a general description of the premises (please read guidance note 1)

45m x 50m BIG TOP WITH TIERED SEATING AND EQUESTRIAN ARENA, WHERE THE PERFORMANCE TAKES PLACE. ADJOINED BY A 28m x 13m FOYER TENT, WHERE SNACKS, REFRESHMENTS AND SMALL BAR WILL BE SITUATED. SEATING CAPACITY IS 1,399 PLUS ARTISTES CREW, TOTALLING NO MORE THAN 1,460.

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?

(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

- a) plays (if ticking yes, fill in box A) ☐
- b) films (if ticking yes, fill in box B) ☐
- c) indoor sporting events (if ticking yes, fill in box C) ☐
- d) boxing or wrestling entertainment (if ticking yes, fill in box D) ☐
- e) live music (if ticking yes, fill in box E) ☐
- f) recorded music (if ticking yes, fill in box F) ☒
- g) performances of dance (if ticking yes, fill in box G) ☒
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) EQUESTRIAN SHOW ☒

Provision of late night refreshment (if ticking yes, fill in box I)

☐

Supply of alcohol (if ticking yes, fill in box J)



In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 7)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon					
Tue					
Wed			<u>State any seasonal variations for performing plays</u> (please read guidance note 5)		
Thur					
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sun					

B

Films Standard days and timings (please read guidance note 7)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 3)		Indoors <input type="checkbox"/>
					Outdoors <input type="checkbox"/>
					Both <input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon					
Tue					
Wed			State any seasonal variations for the exhibition of films (please read guidance note 5)		
Thur					
Fri					
Sat			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 7)			Please give further details (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			State any seasonal variations for indoor sporting events (please read guidance note 5)
Wed			
Thur			
Fri			Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 6)
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)			
Mon						
Tue						
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 5)			
Thur						
Fri						
Sat			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 6)			
Sun						

E

Live music Standard days and timings (please read guidance note 7)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 4)		
Tue					
Wed			State any seasonal variations for the performance of live music (please read guidance note 5)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 7)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4) Recorded music accompanying the performance.		
Mon					
Tue					
Wed			State any seasonal variations for the playing of recorded music (please read guidance note 5)		
Thur	18.00	22.00			
Fri	15.45	22.00			
Sat	13.00	22.00	Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sun	13.00	22.00			

G

Performances of dance Standard days and timings (please read guidance note 7)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 4) DANCERS ARE INCORPORATED IN THE EQUESTRIAN PERFORMANCE.	Both	<input type="checkbox"/>
Tue					
Wed			State any seasonal variations for the performance of dance (please read guidance note 5)		
Thur	19.00	22.00			
Fri	16.45	22.00	Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat	14.00	22.00			
Sun	14.00	22.00			

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing EQUESTRIAN SHOW INVOLVING 20 HORSES AND 40 ARTISTES AND CREW.		
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
Tue			Please give further details here (please read guidance note 4)	Both	<input type="checkbox"/>
Wed					
Thur	19.00	22.00			
Fri	16.45	22.00	State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 5)		
Sat	14.00	22.00	Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sun	14.00	22.00			

I

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 4)		
Tue					
Wed			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 5)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat					
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption - please tick (please read guidance note 8) PRE SHOW AND INTERVAL DRINKS FOR MEMBERS OF THE AUDIENCE - BAR	On the premises <input checked="" type="checkbox"/>
Day	Start	Finish		Off the premises <input type="checkbox"/>
Mon			State any seasonal variations for the supply of alcohol (please read guidance note 5) WILL BE SITUATED WITHIN THE FOYER, SECTIONED OFF BY ROPE BARRIER	Both <input type="checkbox"/>
Tue				
Wed				
Thur	18.00	22.00	Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 6)	
Fri	15.45	22.00		
Sat	13.00	22.00		
Sun	13.00	22.00		

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

Name	NIKKI FRANCES FOSSETT
Date of birth	03/01/67
Address	MANOR FARM MILTON MALSOR NORTHAMPTON
Postcode	NN7 3AZ
Personal licence number (if known)	OSNF-34UG-TJEC-AXKF
Issuing licensing authority (if known)	SOUTH NORTHAMPTON COUNCIL

□□□□

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).

N/A

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	
Mon			ANNUAL LICENCE FOR ONE EVENT BETWEEN THE MONTHS OF JUNE AND SEPTEMBER. TWO MONTHS NOTICE WILL BE GIVEN TO THE LICENSING DEPARTMENT OF ANY FUTURE VISITS TO THIS PREMISES BY THIS EVENT.
Tue			
Wed			
Thur	18.00	22.15	
Fri	15.45	22.15	Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 6)
Sat	13.00	22.15	
Sun	13.00	22.15	

M Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

WE BRING FAMILY ENTERTAINMENT TO THE COMMUNITY AND PROVIDE A SAFE ENVIRONMENT ADHERING TO HEALTH AND SAFETY REQUIREMENTS PLEASE SEE EVENT PLAN ENCLOSED WHICH PROVIDES ADDITIONAL INFORMATION

b) The prevention of crime and disorder

- CAR PARK ATTENDANTS ON SITE
- NIGHT SECURITY AND BIA DOOR SUPERVISORS ON THE PREMISES WHEN THE VENUE IS OPEN TO THE PUBLIC
- STEWARDING WITH PORTABLE RADIO LINKS

c) Public safety

- PUBLIC ACCESS AREAS FENCED
- HELPFUL PUBLIC INFORMATION SIGNAGE IN SITU E.G. TOILETS, EMERGENCY EXITS, BOX OFFICE
- EVACUATION PROCEDURE IN PLACE
- FIRST AIDERS AND FIRE MARSHALS ON SITE

d) The prevention of public nuisance

- PRODUCTION ENCLOSED WITHIN A BIG TOP
- ENTRY ONLY PERMITTED ON PRODUCTION OF A VALID TICKET
- 'IN HOUSE' STEWARDING ON SITE

e) The protection of children from harm

THE PRODUCTION IS A FAMILY EVENT WITH FAMILY GROUPS ENCOURAGED.
 WE OPERATE 'CHALLENGE 25' POLICY TO PREVENT UNDER AGE DRINKING.
 LOST CHILDREN PROCEDURE IN PLACE - DETAILS IN THE ENCLOSED EVENT PLAN.

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee. ☒
- I have enclosed the plan of the premises. ☒
- I have sent copies of this application and the plan to responsible authorities and others where applicable. ☒
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable. ☒
- I understand that I must now advertise my application. ☒
- I understand that if I do not comply with the above requirements my application will be rejected. ☒

[Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom (please read note 15). ☐

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

Part 4 – Signatures (please read guidance note 11)

Signature of applicant or applicant's solicitor or other duly authorised agent (see guidance note 12). If signing on behalf of the applicant, please state in what capacity.

Declaration	<ul style="list-style-type: none"> [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15). The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15)
Signature	<i>Barbara Stanton</i>
Date	01/05/18
Capacity	Office Manager

For joint applications, signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)			
BARBARA STANTON THE ARTS EXCHANGE, DANE MILL BROADHURST LANE			
Post town	CONKLETON	Postcode	CW12 1LA
Telephone number (if any)	01260 276627		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) info@spiritofthehorshow.com			

Notes for Guidance

- Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
- In terms of specific regulated entertainments please note that:

Consent of individual to being specified as premises supervisor

I NIKKI FRANCES FOSSETT
[full name of prospective premises supervisor]

of MANOR FARM, MILTON MALSOR
NORTHAMPTON
NN7 3AZ

[home address of prospective premises supervisor]

hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for

PREMISES LICENCE
[type of application]

by

EQUESTRIAN THEATRE LTD
[name of applicant]

relating to a premises licence N/A
[number of existing licence, if any]

for BIGTOPS
FRONT TRIANGLE
BATH RACECOURSE
LANSDOWN
BATH BA1 9BU
[name and address of premises to which the application relates]

and any premises licence to be granted or varied in respect of this application made by

EQUESTRIAN THEATRE LTD
[name of applicant]

concerning the supply of alcohol at

BIG TOPS
FRONT TRIANGLE
BATH RACECOURSE
LANDDOWN
BATH, BA1 9BU

[name and address of premises to which application relates]

I also confirm that I am entitled to work in the United Kingdom and am applying for, intend to apply for or currently hold a personal licence, details of which I set out below.

Personal licence number

05NF-3406-TJEC-AXKF
[insert personal licence number, if any]

Personal licence issuing authority

SOUTH NORTHAMPTON COUNCIL
[insert name and address and telephone number of personal licence issuing authority, if any]

Signed

N. Fossett

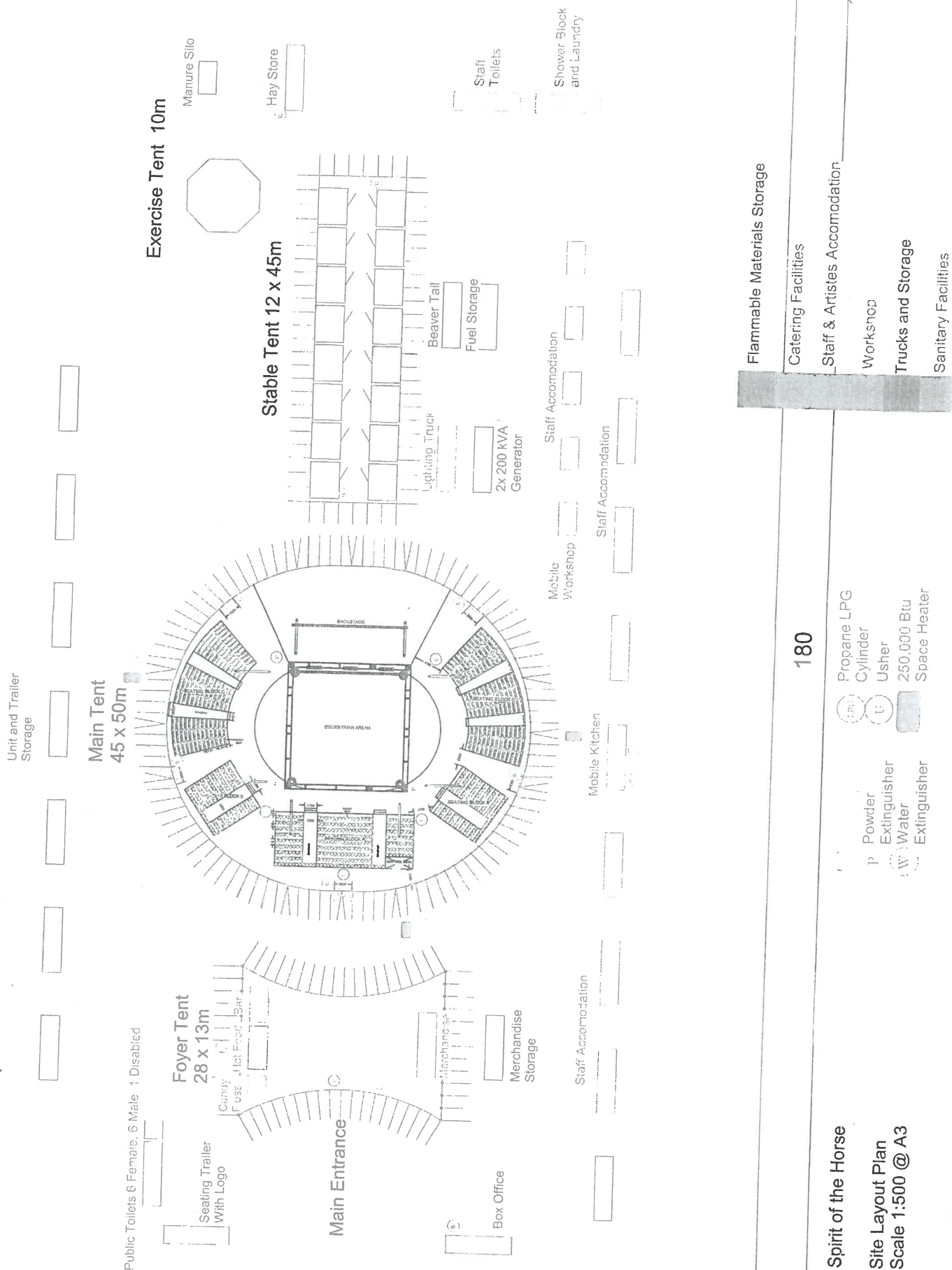
Name (please print)

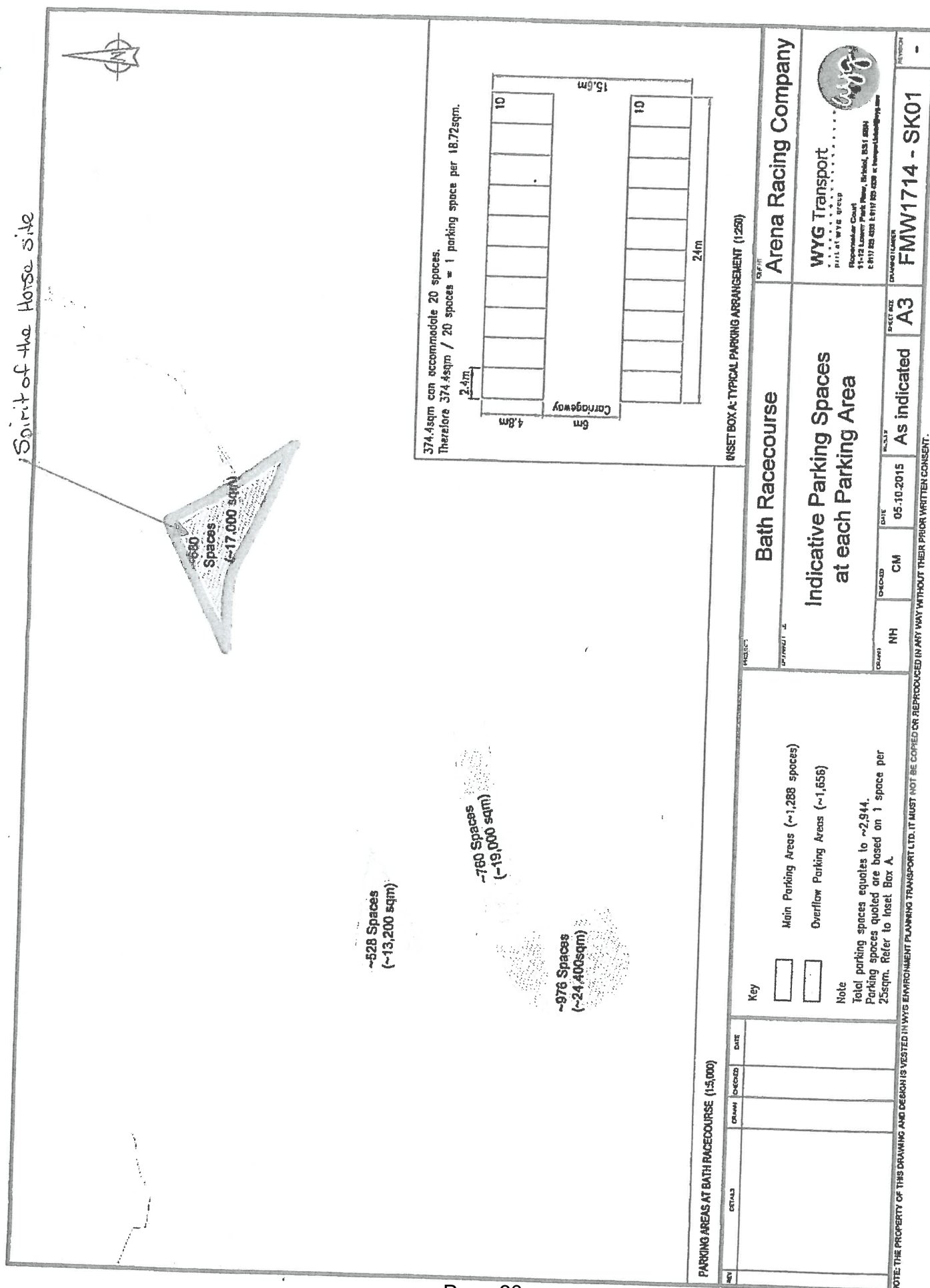
NIKKI FRANCES FOSSETT

Date

30/4/18

120







**Avon & Somerset Constabulary
Representations Licensing Act 2003.**

Your Name	Geoff CANNON	
Job Title	POLICE LICENSING OFFICER	
Postal and email address	2 nd Floor REDBRIDGE HOUSE MIDLAND RD BATH BA2 3EW	
Contact telephone number/e-mail address	Geoff.Cannon@avonandsomerset.police.uk	
Name and address of the premises you are making representations about.	BIG TOPS FRONT TRIANGLE BATH RACECOURSE LANSDOWN BA1 9BW	
Which of the four licensing Objectives does your representation relate to? Please state yes or no.	Yes Or No	Please detail the evidence supporting your representation. Or the reason for your representation. Please use separate sheets if necessary
The Prevention of harm to children	Y	<p>The police have received a copy of an application for a new premises licence to allow an annual event to take place at Bath Racecourse between the beginning of June and the end of September each year.</p> <p>'Spirit of The Horse' is a show to be located in a Big Top structure with a foyer area attached which will contain a bar selling alcohol.</p> <p>The event itself is relatively low risk in terms of any of the four licensing objectives being compromised. However, the expected audience capacity is 1,399 and the police feel that the applicant has failed to address the 4 licensing objectives adequately for this scale of event. Most of the steps offered in the application form are ambiguous, non – specific and therefore unenforceable.</p> <p>The applicant has produced a detailed Event Management Plan (EMP) and states on the Premises Licence Application Form that the EMP "provides additional information". Unfortunately, despite being a valid statement in itself, this does not address the need for the premises licence to contain specific measures designed to promote the Licensing Objectives. Event Management Plans are complex documents and subject to change.</p> <p>To ensure that the 4 Licensable Objectives are promoted in such a way that demonstrates that the premises licence holder clearly understands their responsibilities and can be held to account, the Police Licensing Officer has held</p>

		discussions with the applicant who has agreed to the proposals outlined below.
To prevent Public Nuisance	Y	As above
To prevent crime and disorder	Y	As above
Public Safety	Y	As above
Suggested conditions that could be added to the licence to remedy your representation or other suggestions you would like the Licensing Sub Committee to take into account. Please use separate sheets where necessary and refer to checklist.	<p>The police ask the Licensing Sub – Committee to consider the following measures that will be suitable to form conditions attached to the Operating Schedule in Annex 2 of the Premises Licence.</p> <p>General – all four licensing objectives:</p> <p>This licence will be restricted to one event per year to be held between the beginning of June and the end of September.</p> <p>The organisers of the event to which this licence relates, will give the Police and Licensing Authority at least 2 months notification of the event taking place.</p> <p>Staff shall be trained on issues regarding the Licensing Act 2003, service of alcohol. A record of this training will be kept at the premises and made available for inspection as required by the Police or Licensing Authority.</p> <p>The Prevention of Crime and Disorder:</p> <p>The premises will maintain an incident and refusals register. This will remain at the premises and be made available to an authorised officer of the police or licensing authority on request.</p> <p>There will be a minimum of 2 SIA trained security staff deployed at key points within the premises at all times that the event is open to the public.</p> <p>Public Safety:</p> <p>All drinks sold on the premises will provided in non – glassware containers.</p> <p>The prevention of public nuisance:</p> <p>There will be a minimum of 6 stewards on duty during the times that the event is open to the public.</p>	

	<p>Members of the public will only be allowed entry to the event on production of a valid ticket.</p> <p>The protection of children from harm:</p> <p>The premises will operate a 'Challenge 25' policy and will display a sign advertising this policy at the bar. The DPS will ensure that all staff are trained in implementing 'Challenge 21'</p> <p>The police take the view that the applicant fully understands their responsibilities and has willingly engaged in the process to ensure that the premises licence operating schedule, when granted, accurately reflects the nature of the proposed business. The applicant also understands the need to ensure clarity when offering measures to promote the Licensing Objectives and for conditions attached to the Operating Schedule to be enforceable.</p>

N.B If you do make a representation you will be expected to attend the Licensing Sub Committee and any subsequent appeal proceeding.

Signed: G CANNON

Date: 17.05.18

This form must be returned within the Statutory Period. (With supporting evidence).

From: info@spiritofthehorseshow.com [<mailto:info@spiritofthehorseshow.com>]
Sent: 16 May 2018 13:37
To: Geoff Cannon
Subject: RE: New Premises Licence Application

Good afternoon Mr Cannon

Thank you for your e-mail regarding our application for a Premises licence at Bath Racecourse.

As discussed, we are happy to agree to the measures that you have requested below.

Best regards

Barbara Stanton

T: 01260 276627
www.spiritofthehorseshow.com

This is in response to my email:

From: Geoff Cannon [<mailto:Geoff.Cannon@avonandsomerset.police.uk>]
Sent: 16 May 2018 10:20
To: 'info@spiritofthehorseshow.com'
Subject: New Premises Licence Application

FAO Barbara Stanton.

Good morning Barbara. Thanks for taking the time to speak to me yesterday.

As discussed, I shall be making a representation on behalf of the police to the Licensing Authority on the basis that the measures offered in section M of the New Premises Application Form are not specific enough and unable to be enforced.

I therefore propose the following suite of measures to be put before the Licensing Sub Committee:

General – all four licensing objectives:

This licence will be restricted to one event per year to be held between the beginning of June and the end of September.

The organisers of the event to which this licence relates, will give the Police and Licensing Authority at least 2 months notification of the event taking place.

Staff shall be trained on issues regarding the Licensing Act 2003, service of alcohol. A record of this training will be kept at the premises and made available for inspection as required by the Police or Licensing Authority.

The Prevention of Crime and Disorder:

The premises will maintain an incident and refusals register. This will remain at the premises and be made available to an authorised officer of the police or licensing authority on request.

There will be a minimum of SIA trained security staff deployed at key points within the premises.

Public Safety:

All drinks sold on the premises will be provided in non – glassware containers.

The prevention of public nuisance:

There will be a minimum of 6 stewards on duty during the times that the event is open to the public.

Members of the public will only be allowed entry to the event on production of a valid ticket.

The protection of children from harm:

The premises will operate a 'Challenge 25' policy and will display a sign advertising this policy at the bar. The DPS will ensure that all staff are trained in implementing 'Challenge 21'

Please indicate if you are happy for the above measures to be implemented and I will include the fact that we are in agreement on the Representation Form.

With kind regards,

Geoff Cannon

BANES Police Area Licensing Officer

Redbridge House

BATH BA2 3EW

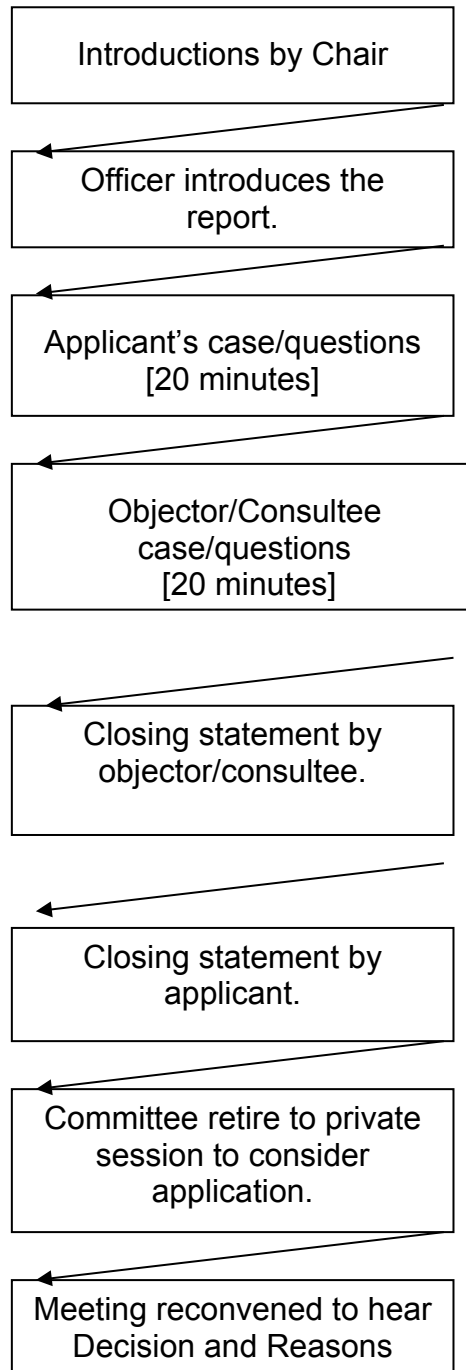
 Ext: 01278 645524 Int: 45524

Mob: 07889 655950

 Geoff.Cannon@avonandsomerset.pnn.police.uk

**LICENSING SUB COMMITTEE PROCEDURE
APPLICATIONS FOR
MISCELLANEOUS LICENSES, PERMITS, CONSENTS**

OVERVIEW



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**LICENSING SUB COMMITTEE PROCEDURE
APPLICATIONS FOR
MISCELLANEOUS LICENSES, PERMITS, CONSENTS**

1. The Chair will introduce Members of the Committee, introduce the Officers present, explain the procedure to be followed and ensure those present have received and understood that procedure.
2. The Licensing Officer will outline the nature of the matter to be considered by the Committee.
3. The Applicant and or representative present their case and may be questioned by the Committee and other parties.
4. The Applicant may call witnesses in support who may be questioned by the Committee and other parties.
5. The objecting parties address the Committee and can be questioned by the Committee and other parties on matters relevant to the application. Any person presenting evidence for an objecting party may also be questioned by Members and other parties.
6. The Chair will ask the Licensing Officers present whether they wish to comment. If an Officer makes comment they may be questioned.
7. The parties are invited to make closing statements.
8. The Chair will invite the Committee to move into private session to enable the Members to deliberate in private. The Committee will reconvene publicly if clarification of evidence is required and/or legal advice is required. The Committee may retire to a private room, or alternatively require vacation of the meeting room by all other persons.
9. Whilst in deliberation the Committee will be accompanied by Legal and Democratic Service Officers for the purpose of assisting them in drafting their reasoning for the decision.
10. The Committee will reconvene the meeting and the Chair will announce the Committee's decision with reasons and advise that the decision will be released in writing within the statutory time limits.

PLEASE NOTE:

- Where the Committee considers it necessary the procedure may be varied.
- In circumstances where a party fails to attend the Committee will consider whether to proceed in absence or defer to the next meeting. Should a matter be deferred the deferral notice will state that the matter may proceed in a party's absence on the next occasion. In deciding whether to proceed all notices, communications and representations will be considered.
- Only in **exceptional circumstances** will the Committee take account of additional late documentary or other information and will be at the discretion of the Chair and on notice to all the other parties. No new representations will be allowed at the hearing.
- The Committee will disregard all information or representations considered irrelevant.
- The hearing will take the form of a discussion. The Committee will allow parties to the proceedings to ask questions. Formal cross examination will be discouraged and, should they be necessary, supplementary questions allowed for clarification purposes only.
- Parties will have an equal amount of time to present their cases. Whilst time limits are at the Chair's discretion, in the interests of cost and efficiency, presentations will not normally exceed **twenty minutes** to include summarising the case. Time limits 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.
 2. Where several parties are making the same or similar representations it is suggested that one representative is appointed to avoid duplication and to make the most efficient use of the allocated time.
 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 request that persons behaving in a disruptive manner should leave the hearing and their return refused, or allowed subject to conditions. An excluded person is however, entitled to submit the information they would have been entitled to present had they not been excluded.
 - Bath & North East Somerset Council is committed to taking decisions in an honest, accountable and transparent fashion. On occasion however, it may be necessary to exclude members of the press and public pursuant to the Local Government Act 1972 Schedule 12 (a). In those circumstances reasons for such decisions will be given.
 - If a person has special needs regarding access, hearing or vision, this should be brought to the Licensing Authority's attention prior to the hearing so that reasonable adjustments may be made.

Bath & North East Somerset Council		
MEETING: Licensing Sub Committee		
DATE:	Wednesday 27 th June 2018	AGENDA ITEM NUMBER
TITLE:	Application for permission to provide facilities on the highway for recreation/refreshment at Hands Tearoom, 1 Abbey Street, Bath BA1 1NN	
WARD:	Abbey	
AN OPEN PUBLIC ITEM		
List of attachments to this report:		
Annex A Application		
Annex B Site Plan		
Annex C Street trading Policy		
Annex D Council's Standard Conditions		
Annex E Highways Notice		
Annex F Objection		

1 THE ISSUE

- 1.1 An application has been received for permission to provide facilities on the highway in respect of Hands Tearoom, 1 Abbey Street, Bath BA1 1NN

2 RECOMMENDATION

- 2.1 That the Licensing Sub Committee determines the application.

3 RESOURCE IMPLICATIONS

- 3.1 The costs of processing licences are covered by the fees charged. The fee for this application is £253.

4 STATUTORY CONSIDERATIONS

- 4.1 Sections 115 A-K Highways Act 1980 give the Council discretion to grant permission to provide, maintain and operate facilities for recreation and/or refreshments on the highways subject to any reasonable conditions the Council thinks fit.
- 4.2 When making a decision consideration needs to be given to the Human Rights Act 1998.

- 4.3 An Equalities Impact Assessment (EqIA) has been completed. No adverse or other significant issues were found.

5 THE REPORT

- 5.1 An application has been received for permission to provide facilities on the highway in respect of Hands Tearoom, 1 Abbey Street, Bath BA1 1NN (Annex A).
- 5.2 The application is for permission to place 4 tables on the highway outside the premises, along with appropriate seating (site plan attached at Annex B).
- 5.3 The Council's Street trading policy (Annex C) and Standard Conditions for permission to place tables and chairs on the highway are attached at (Annex D).
- 5.4 The size of the area applied for is 16 feet x 16 feet.
The times applied for are:

Monday to Saturday from 09:00 to 18:00 hours

Sunday from 10:30 to 17:30 hours
- 5.5 A notice was placed on the highway on 12th April 2018 (Annex E). The application was also placed on the Council's website.
- 5.6 An objection has been received from the highways department. The grounds for objection are that the location is a live carriageway and that vehicles drive on this area for access and deliveries (attached as Annex F).

6 RATIONALE

- 6.1 As an objection has been received the Licensing Sub Committee must determine the application in accordance with Part VIIA, Highways Act 1980.

7 OTHER OPTIONS CONSIDERED

- 7.1 None

8 CONSULTATION

- 8.1 In accordance with current Bath & North East Somerset Council policy, the Licensing Service consulted with Avon and Somerset Police, the Council's Highways Team, Property Services, Environmental Services, Development Control, Ward Councillors and adjacent premises.
- 8.2 This report has not been sent to the Trades Union because they would have no involvement in this application.

9 RISK MANAGEMENT

- 9.1 A risk assessment related to the issue and recommendations has been undertaken in compliance with the Council's decision making risk management guidance.

10 ADVICE SOUGHT

- 10.1 The Council's Monitoring Officer (Head of Legal & Democratic Services and Council Solicitor), section 151 Officer (Chief Financial Officer) and the Group manager Public Protection and health Improvement have had the opportunity to input to this report and have cleared it for publication.

Contact person	Ian Nash - Licensing Officer Telephone: 01225 396719
Background papers	None
Please contact the report author if you need to access this report in an alternative format.	

Ian Nash

From: cis@bathnes.gov.uk on behalf of Online Form via Bathnes <cis@bathnes.gov.uk>
Sent: 08 April 2018 15:21
To: Licensing
Subject: Request for Tables and Chairs

An application to place tables and chairs (or other items) was submitted as follows:

Premises:

Hands tearoom
1 Abbey Street
Bath BA1 1NN

Applicant(s):

Mr and Mrs Swan

Email:

Phone:

Items: 4 tables
16 chairs

Size of Area: 16 feet x 16 feet

Part of Premises: In front of building on unused highway not pavement

Operating Times: Mon to Saturday 9 am to 6pm
Sunday 10.30am to 5.30pm

Alcohol Permitted: Yes

Adjoining premises: Nail bar 1 Abbey Street adjoining

Attachments:

Furniture:

<https://www.bathnes.gov.uk/sites/default/files/webform/8d2cad05-9e18-4a8d-9d8d-b322c34f7e35.png>

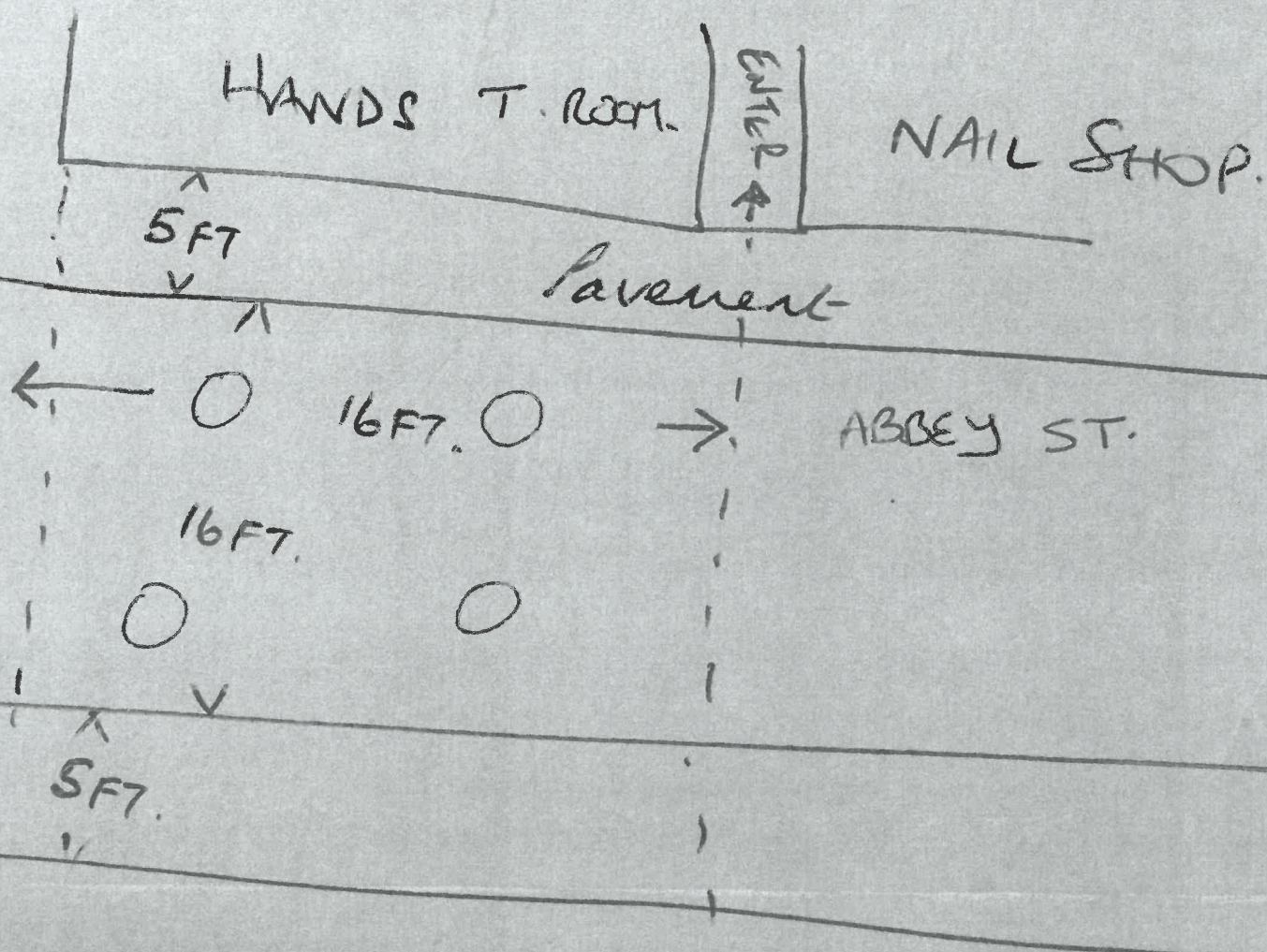
Site Plan:

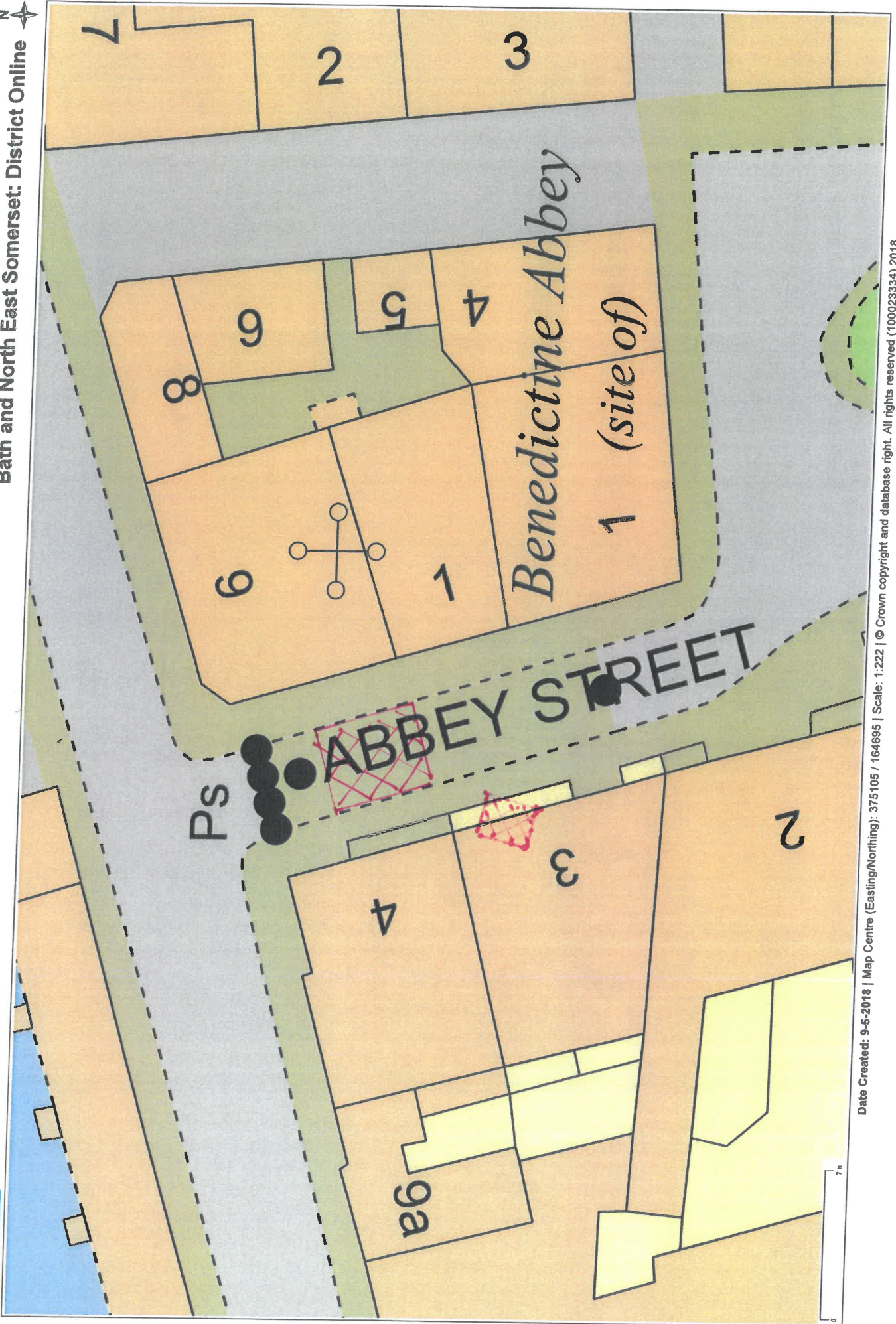
Declaration:

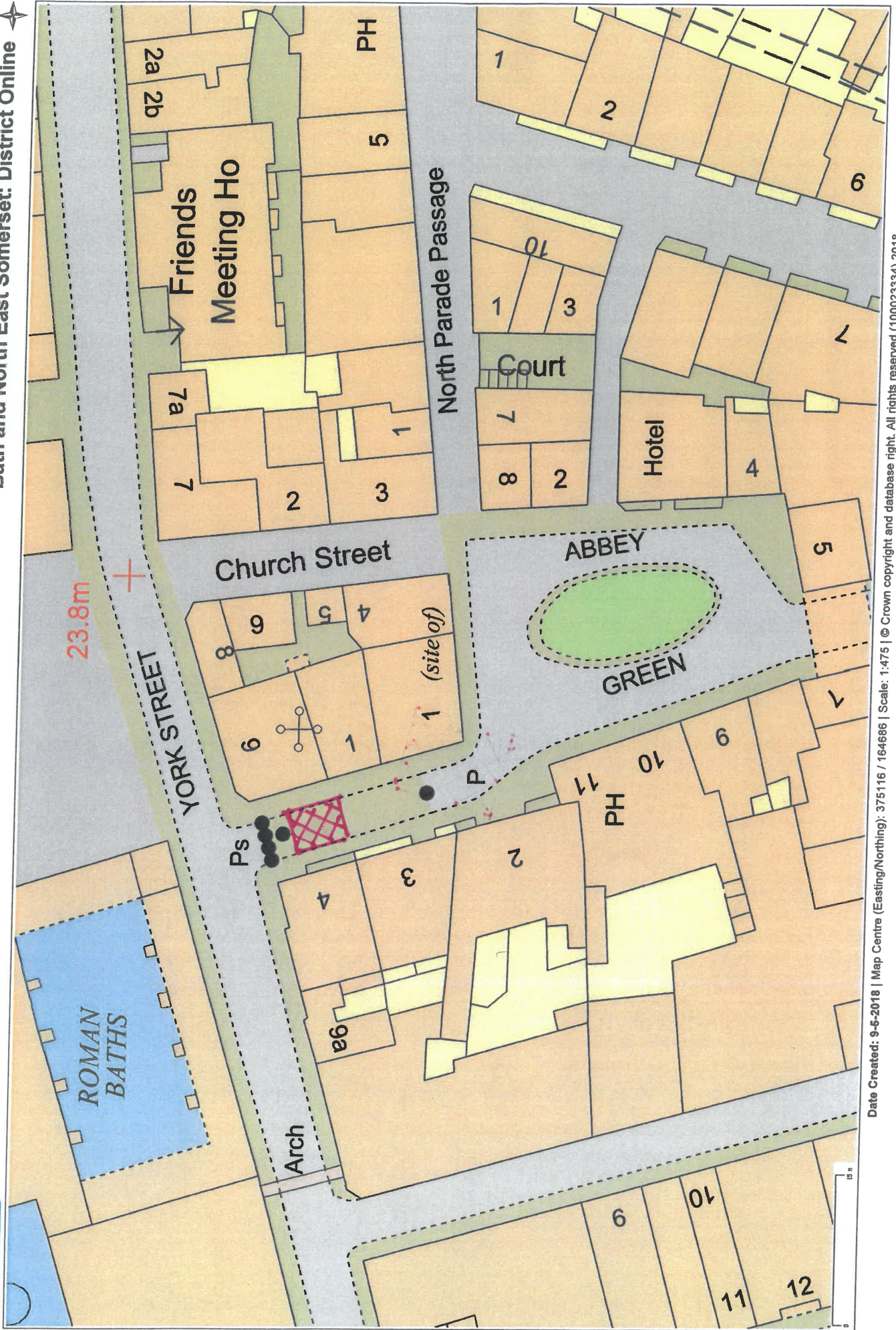
I understand that I also require planning permission to place tables and chairs etc. legally on the highway.
The information I have given in this application is true.

Submitted on Sunday, 8 April 2018 - 3:21pm

○ table







Street Trading Policy

1 Purpose

- 1.1 Bath and North East Somerset Council understands that street trading is important to both the local environment and local economy. Street trading can provide vibrancy and interest to the local environment and an opportunity for small businesses to establish themselves and grow.
- 1.2 The Council's vision for Bath and North East Somerset is to create a street trading environment which:
 - complements premises-based trading
 - is sensitive to the needs of residents
 - ensures that public spaces become active spaces
 - provides diversity and consumer choice;
 - seeks to enhance the character, ambience and safety of local environments
 - promotes healthy eating
 - provides local food

2 What is Street Trading?

- 2.1 Street trading means selling, exposing or offering for sale any article in a street. The term 'street' includes any road, footway or other area to which the public has access without payment.
- 2.2 The Council has adopted Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 for the whole of its area and has designated all streets in the area as 'Consent Streets' for street trading purposes.
- 2.3 The effect of this designation is that street trading in any street is prohibited, subject to legal exemptions, without first obtaining a street trading consent from the Council.
- 2.4 Consents may also be issued to mobile artists who sketch or paint, sell their own work and move from location to location.
- 2.5 Street trading consents for buskers wishing to sell items associated with their performance (e.g. CD's) will be established
- 2.6 Consents may be issued to mobile vendors such as Ice Cream Traders to operate in specific locations outside of the central area of Bath.

3 Exemptions from the need to obtain a Consent

3.1 The Local Government (Miscellaneous Provisions) Act 1982 states that the following are exempt from the need to obtain Street Trading Consent:

- trading by a person acting as a pedlar under the authority of a pedlars' certificate granted under the Pedlars Act 1871
- anything done in a market or fair the right to hold which was acquired by virtue of a grant (including presumed grant) or acquired or established by virtue of an enactment or order
- trading in a trunk road picnic area
- trading as a news vendor
- conducting a public charitable collection
- trade carried out by roundsmen e.g. milkmen
- trade carried on at a petrol filling station, and
- trade carried on at premises used as a shop or in a street adjoining premises so used and as part of the business of the shop

4 Pitch assessment

4.1 The Council will maintain a map showing the location of street trading pitches. This map is available on the Council's web site at www.bathnes.gov.uk/services/business/street-trading

4.2 The Council may from time to time identify new pitches for street trading and will consider applications for new pitches. In determining whether to create a street trading pitch the Council will have regard to:

- an overriding public interest
- any effect on road safety, either arising from the siting of the pitch, or any loss of amenity caused by noise, traffic or smell
- existing Traffic Orders e.g. waiting restrictions
- any potential obstruction of pedestrian or vehicular access
- any obstruction to the safe passage of pedestrians; and
- the safe access and egress of customers and staff from the pitch and immediate vicinity
- any land owners permission which may be required from a private land owner or a relevant Council service e.g. Environmental Services (Open Spaces), Commercial Estates or Economic Regeneration

5 Application Process for a New Pitch

5.1 Before new pitches are created the Council will consult and seek written observations from:

- occupiers of premises immediately adjacent and opposite
- existing holders of street trading consents in the immediate area
- relevant ward councillors
- relevant parish or town councils
- Avon & Somerset Constabulary

- relevant Council Services including Development Control, Highways, Property Services, Environmental Services (Open Spaces), Commercial Estates, Trading Standards and Food Safety
- a relevant land owner
- any other stakeholder considered by the Council's Licensing Team to be relevant to the application

5.2 In addition to the above, public notices will be placed in a clearly visible location at the site of the proposed new pitch.

5.3 The Council will consider any responses received in relation to public notices and any objection from consultees will be assessed against the criteria in paras 1.2, 4.2 and Section 12 and may be referred to the appropriate Licensing Sub-Committee for determination.

5.4 Any proposed change to conditions attached to a consent will be in consultation with consent holders and others, as specified in 5.1 above, if relevant.

6 Application Process for an Existing Pitch

6.1 When an existing or new pitch becomes available, the Council will publish details of the vacancy, inviting applications for the pitch. The details will be published on the Council's website.

6.2 Applications will be determined by the Licensing Manager. If no suitable application is received then the pitch will be re-advertised.

6.3 In situations where there are competing applications then the Licensing Manager will decide the most appropriate applicant in consultation with the Service Manager. The pitch will be offered to the applicant whose proposal is considered the most suitable for the particular location.

7 Mobile Street Artists

7.1 Mobile street artist consents may be issued to persons who sketch or paint and sell their own work and move from location to location.

7.2 Applicants for mobile street artist consents must give a minimum notice period of 48 hours to the Licensing Team in relation to their application.

8 Mobile Traders

8.1 Any mobile trader e.g. ice cream vans, will require a street trading consent.

8.2 Before issuing a consent the Council will consult with relevant bodies, as specified in section 5.1, and will require details of the daily routes and times of the rounds.

9 Street Markets

9.1 The Council actively supports the provision of temporary street markets within the district and special consideration will be given to markets which are considered beneficial to the local area.

- 9.2 Applications for temporary street markets will be considered using the same criteria set out in Para 1.2 and in sections 4 and 5 of this policy.

10 Pitches for Buskers

- 10.1 The Council will issue Street Trading consents for use by buskers who wish to sell items associated with their performance (e.g. CD's).
- 10.2 Applications for pitches for buskers will be considered using the same criteria set out in Para 1.2 and sections 4 and 5 of this policy.

11 Pitches for Charitable Street Trading

- 11.1 The Council issues permits to enable charitable street trading. Charitable street trading must not be undertaken in any street or public place unless the Promoter has obtained a consent from the Council. The only exception to this is where the collection is exempt under schedule 4 of the 1982 Act (see section 3)
- 11.2 In relation to charitable street trading, the Council has a designated street trading pitch for this purpose at Kingston Parade, Bath. This pitch will be available to registered charities, or organisations demonstrating that they are a 'not-for-profit' organisation. Use of this pitch will be subject to the Council's standard street trading conditions.
- 11.3 The charity or organisation must obtain permission from the Principal Consent Holder responsible for the pitch at Kingston Parade whose details can be obtained from the Licensing Department.

12 Nature of Goods and Trading Hours

- 12.1 The nature of goods which may be sold from any pitch and the trading hours will be specified in the consultation process. Any subsequent application for a change in the nature or type of goods sold or the trading hours will require a further application and will be subject to the level of consultation as set out in section 5.1 above.
- 12.2 Until 1st April 2015, the Council will not normally grant a consent for the sale of goods or services which conflict with those provided by nearby shops or nearby street trading pitches. (After this date, changes to Schedule 4, Local Government [Miscellaneous Provisions] Act 1982 come into effect which promote open competition).
- 12.3 Goods will normally consist of craftwork, fresh flowers, fresh fruit and vegetables, ice cream or soft drinks. Other types of goods, including services, will be considered on a pitch by pitch basis and have particular regard to local needs, product diversity and balanced with other retailers in the immediate vicinity.
- 12.4 Street trading hours will normally mirror those of shops in the immediate vicinity. Extended trading hours will be determined on a pitch by pitch basis.
- 12.5 In the case of stalls selling hot food trading hours will be determined on a pitch by pitch basis.

12.6 Late night food traders operating after 11:00 pm will be subject to the requirements of the Licensing Act 2003 regarding the need for a Premises Licence. Greater consideration will be given to the impact on the night time environment and the possibility of crime and disorder on the streets as a result of the granting of a street trading consent.

13 Design and Appearance of Stall, Barrow, Van, Cart etc.

13.1 The design and appearance of the stall, barrow, van or cart etc. to be used must be agreed by the Council.

13.2 The Council has a preferred set of standards of design and appearance that they wish to achieve for all street trading pitches based in the central area of Bath.

- All new applicants will be required to use an approved design unless a suitable alternative is agreed
- All existing Consent Holders will be required to change to an approved design by 1st January 2017, or upgrade the whole or parts of their units, as appropriate

13.3 The condition of all pitches will be monitored regularly to ensure that the required standards are maintained.

13.4 All consent Holders trading in food products are required to be registered and inspected by the Council's Food Safety Team. Contact details of the Food Safety team can be found on the Council's website.

13.5 All consent Holders are required to comply with relevant health and safety regulations including those relating to electrical and gas safety.

14 Issue of Street Trading Consents

14.1 An application for a street trading consent or the renewal of such a consent shall be made, in writing, to the Council. Applications can be e-mailed to the Council at: licensing@bathnes.gov.uk.

14.2 Consents will not normally be issued for a period of less than six days per week, unless the applicant can provide an alternative scheme acceptable to the Council.

14.3 Where a consent has expired the pitch will become subject to paragraphs 14.4 and 14.5 below.

14.4 When an existing or new pitch becomes available, the Council will publish a notice inviting applications for the said pitch on its website.

14.5 Applications for an existing pitch will be determined by the Licensing Manager or other authority delegated by the Council. Each pitch will be offered to the applicant whose proposal is considered most suitable for the particular pitch. If no suitable application is received then the pitch will be re-advertised.

14.6 Any application received by a person less than 17 years of age will be considered by taking into account the provisions contained in the Children and Young Persons Act 1933 and the Children and Young Persons Protection at Work Regulations 1998.

- 14.7 An application for an existing pitch may be refused or revoked if the applicant is found to be unsuitable to hold the consent by reason of having been convicted of a relevant offence, or for any other reason.
- 14.8 The issue of a street trading consent will not normally be delayed where other approvals, permits, licences are required by other departments or statutes except in the case where advice is required from the Council's Food Safety and Health and Safety teams.

15 Fee Structure

- 15.1 The Council may charge such fees as it considers reasonable having regard to pitch location, the size of the Pitch, trading days, hours and the description of goods offered for sale.
- 15.2 The fees will be reviewed and set on an annual basis and any variation advertised by notice in a local newspaper.
- 15.3 Fees for consents must be paid in full in advance:
- in the case of Direct Debits, on a monthly basis
 - all other methods, three months in advance
- 15.4 Failure to maintain payments as above may result in the consent not being renewed. Where a payment is not made by the due date the Council may charge an administration fee as determined by the Licensing Manager. This will include cheques or Direct Debit requests that are not honoured.
- 15.5 The Council cannot guarantee that pitches will be available every day and accepts no liability for the loss of earnings in relation to street trading consent holders or their employees.
- 15.6 In the event of roadworks, utility or service repairs and other genuine circumstances that affect the use of any pitch, the Licensing Manager will consider appropriate refunds on a case by case basis, provided a written request has been made by the consent holder.

16 Street Trading Consents for which fees are not payable

- 16.1 The Council will not require the payment of fees for the following street trading activities:
- fetes, carnivals or similar community based and run events
 - non-commercial or charitable events
 - farmers markets (producer-managed marketplace for local producers to sell their own produce direct to local people); and
 - sale of articles by householders on land contiguous with their homes

17 Conditions and Enforcement

- 17.1 Standard conditions will be attached to every street trading consent detailing the holder's responsibilities to maintain public safety, avoid nuisance and generally preserve the amenity of the locality.
- 17.2 Specific conditions will also be attached such as the days and hours when street trading is permitted, the goods which may be sold and the size of the pitch.
- 17.3 Failure to comply with conditions may lead to revocation or non-renewal of a consent.
- 17.4 Persons trading without a consent and who are not exempt (see 3 above for examples) will be the subject of enforcement action in accordance with the Council's Enforcement Policy. Copies of the Enforcement Policy can be obtained from the Council's Licensing team or website.
- 17.5 The consent Holder is required to obtain and maintain their own Public Liability Insurance to a minimum of £5m. This will be required to be produced for inspection before any consent is issued and on demand when requested by an officer of the Council.

18 Equality

- 18.1 The Council is committed to equality of opportunity and believes that the diversity of the community is a major strength which contributes to the social and economic prosperity of the area.
- 18.2 The Council commits to ensure that no resident of, or visitor to, the area or other person associated with the Council is treated inequitably or in an unlawful or unjustifiably discriminatory manner.
- 18.3 The Council will take positive steps to stop any unfair/unlawful discrimination, and will carry out positive action where discrimination is found.

19 General

- 19.1 Through its tourism service and by other means, the Council will seek opportunities to promote street trading activities.
- 19.2 This policy will complement and inform other Council initiatives including those on street markets and the public realm.
- 19.3 This policy will be the subject of periodic monitoring and review.
- 19.4 This policy will inform the detailed conditions attached to every street trading consent.
- 19.5 This policy will be applied in a manner which is consistent with the Council's equalities policies.

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 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, accept 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 30th 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.

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

HANDS TEA ROOMS 1 ABBEY STREET BATH BA1 1NN

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 and/or other items in or on that part of the highway specified above until:

31 March 2019

and at the following times:

Monday to Saturday	09:00 - 18:00
Sunday	10:30 - 17:30 hours

Further information about the above application, including hours of operation, area of footpath or footway and other information, 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 by 10 May 2018.

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

Dated 9 May 2018

Cathryn Brown

Cathryn Brown
Environmental Protection and Licensing Manager
Licensing Services
Bath & North East Somerset Council
Lewis House
Manvers Street
Bath BA1 1JG

Email: licensing@bathnes.gov.uk

From: Christian Mead
Sent: 26 April 2018 11:22
To: Licensing
Cc: Highways
Subject: Fwd: Tables and chairs application - Hands Tea Room, Bath

Hi Lauren,

As requested, please take this email as a record for my objection to tables and chairs being placed outside Hans Tea Rooms, 1 Abby Street, Bath, BA1 1NN.

From a Highway perspective there are lots of Health and Safety issues here, the main point being

That this is a live carriageway and some vehicles drive on this area for access and deliveries

Please do not hesitate to contact me if you require any further information