

Licensing Sub-Committee

Date: Thursday, 25th October, 2018

Time: 10.00 am

Venue: Council Chamber - Guildhall, Bath

Councillors: Les Kew, Rob Appleyard and Deirdre Horstmann

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.



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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.

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

5. **Emergency Evacuation Procedure**

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Licensing Sub-Committee - Thursday, 25th October, 2018

at 10.00 am in the Council Chamber - 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: 24 SEPTEMBER 2018 AND 11 OCTOBER 2018 (Pages 7 - 26)

6. STREET TRADING PROCEDURE (Pages 27 - 30)

The Chair will, if required, explain the procedure.

7. APPLICATION FOR A STREET TRADING PITCH (28), GRAND PARADE, BATH
(Pages 31 - 62)

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

Monday, 24th September, 2018, 3.00 pm

Councillors: Les Kew (Chair), Deirdre Horstmann and Dine Romero (in place of Rob Appleyard)

Officers in attendance: Terrill Wolyn (Senior Public Protection Officer), Lauren Latta (Public Protection Technical Officer) and Carrie-Ann Evans (Deputy Team Leader (Barrister))

1 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer advised the meeting of the procedure.

2 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies were received from Councillor Rob Appleyard, for whom Councillor Dine Romero substituted.

3 DECLARATIONS OF INTEREST

There were none.

4 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was none.

5 MINUTES OF PREVIOUS MEETING: 16 AUGUST 2018

The Minutes of the meeting of 16 August 2018 were approved as a correct record and signed by the Chair.

6 LICENSING PROCEDURE

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

7 APPLICATION FOR A PREMISES LICENCE FOR TIVOLI, 6-8 DORCHESTER STREET, SOUTHGATE CENTRE, BATH BA1 1SS

Applicant: T4051 Limited, represented by Hannah Mannion (Thrings Solicitors) and Andy Bush (National Operations Manager)

Other parties in attendance: Geoff Cannon (Police Licensing Officer), Mel Argles (B&NES Deputy Head of Safeguarding & Quality Assurance – Children and Young People) and Tracey Curzons (Early Years Advisory Teacher)

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

The Senior Public Protection Officer presented the report. A representation had been received from B&NES Safeguarding stating that the admission with parents of toddlers up to 24 months old to films with a 15 or 18 certificate was likely to have an adverse effect on the licensing objective of the protection of children from harm and requesting that this element of the application be refused and that the recommendations of British Board of Film Classification be upheld when classified films are screened. A representation had been received from the Police relating to all four licensing objectives. The Police had proposed a number of amendments to the Operating Schedule, to which the applicant had agreed in writing. The Sub-Committee noted that the premises are located in the Cumulative Impact Area. The Sub-Committee was invited to determine the application.

Ms Mannion stated the applicant's case. She referred to correspondence between the applicant and the Police on agenda pages 53-54 in which the applicant confirmed acceptance of the amendments to the Operating Schedule proposed by the Police, including the removal of all conditions relating to "Parent and Baby Screenings".

The Chair asked whether the condition in the Operating Schedule that "no open containers of alcohol to leave the premises" was necessary, since no containers of alcohol open or closed could leave the premises, as supply off the premises had not been applied for. Ms Mannion said she would need to consult her clients about this.

In response to a question from a Member Mr Bush stated that the applicant was fully aware that the premises was situated in a residential area and would expect customers to leave quietly. He confirmed that the applicant was no longer seeking the conditions in the Operating Schedule that "the lights must be left on at low level through the screening" and that "no open containers of alcohol to leave the premises", as all proposals relating to parent and baby screenings had been withdrawn and the supply of alcohol off premises had not been not applied for.

Geoff Cannon, Police Licensing Officer, stated the case for the Police. He said that he had agreed amendments to the Operating Schedule. He was happy with all the other conditions they had proposed. Responding to a Member he said that the amended conditions fully addressed his concerns about the potential impact of the premises on the licensing objectives in the Cumulative Impact Area. His initial concern was that premises might be a bar with a cinema, but was now satisfied that it would be a cinema with a bar.

Mel Argles stated the case on behalf of Safeguarding. She said that her concerns had been addressed by the removal of that part of the application relating to parent and baby screenings.

Tracey Curzons. She said that she had been invited to attend as a witness for Ms Argles. She said that her concerns had been addressed by the removal of that part of the application relating to parent and baby screenings.

Following an adjournment the Sub-Committee **RESOLVED** to grant the application with modifications as detailed below.

Decision and reasons

Members have had to determine an application for a new Premises Licence for Tivoli, 6-8 Dorchester Street, Southgate Centre, Bath, BA1 1SS. 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 made and were careful to balance their competing interests.

Members were however careful to disregard irrelevant matters.

The Applicant

Hannah Mannion addressed members as the legal representative for the applicant.

She indicated that the application is for a boutique 5 screen cinema in the Southgate Shopping Centre.

Ms Mannion confirmed verbally the matters that the applicant has agreed with the police in writing at Annex D page 53 of the report to the Licensing Sub Committee ("LSC").

Mr Bush, National Operations Manager for the applicant confirmed verbally that the applicant does not pursue the condition on the Operating Schedule which was set out at section M box e of the application, namely, that "the lights must be left on at low level through the screening" as all proposals in section M box e of the application regarding parent and baby screenings were no longer being pursued. Mr Bush confirmed also that the proposed condition at section M box (d) of the application, namely, "No open containers of alcohol to leave the premises" was not being pursued as supply of alcohol off premises was not applied for.

Responsible Authorities

There had been a representation from the police that the licence sought would undermine all four licensing objectives. The representation cited concerns that the proposal to host parent and baby screenings of films classified 15 and 18 and the proposal to sell alcohol on Thursday, Friday and Saturday until 03:00 the following morning, shall undermine all four licensing objectives and, in respect of sale of alcohol, add to the cumulative impact. The Police Licensing Officer Geoff Cannon indicated in writing and confirmed verbally before the Committee, that the applicant had agreed to their proposed amendments to the Operating Schedule (set out at Annex D of report to LSC) and that the applicant understands their responsibilities and had willingly engaged with them in the process.

Mr Cannon indicated when questioned that in his view the measures proposed addressed any cumulative impact, particularly now he better understood the nature of the premises.

There had been a representation in writing from Bath and North East Somerset Council's Safeguarding Team expressing grave concern regarding the applicant's proposal to permit parents with toddlers up to 24 months old admission to films with a 15 or 18 certificate. Their representation contended that these proposals were extremely likely to undermine the protection of children from harm licensing objective and submitted that the British Board of Film Classification be adhered to. Concerns related to the emotional and physical wellbeing were expressed about the proposed condition that children up to the age of 24 months be restrained on the lap of the parent or guardian for the duration of the proposed screening. Mel Argles Deputy Head of Safeguarding and Quality Assurance, Children and Young People attended however she indicated that having heard what had been agreed between the parties her concerns had been addressed.

Tracey Curzons Early Years Advisory Teacher attended as a witness for the Safeguarding Team and indicated that having heard what had been agreed, that addressed her concerns also.

The applicant confirmed both in writing prior to the meeting and verbally before Members that it is no longer pursuing the parent and baby screenings at section M box e of the application that the Safeguarding Team had raised concerns about.

Members

In reaching their decision Members noted that in relation to paragraph 9.42 of the Statutory Guidance their determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what is intended to be achieved.

Members carefully considered the representations made on behalf of the Responsible Authorities and the Applicant.

Members noted specifically that the Cumulative Impact Policy relates to the 'on trade' sale of alcohol for consumption on the premises. Members were satisfied that the applicant had demonstrated, taking into account all the relevant circumstances including the style and characteristics of the proposed premises together with conditions on the operating schedule, amendments to the operating schedule and additional conditions that the proposed licence would not add to the cumulative impact being experienced.

Members considered that any effect of the proposed licence on the licensing objectives would be addressed by the conditions consistent with the proposed operating schedule (as amended), and proposed conditions put forward by the police and agreed to by the applicant (as set out below), all of which Members found to be appropriate and proportionate.

Proposals and conditions no longer pursued to be removed from operating schedule

(from section M box e of operating schedule)

- Parents or guardians of children under the age of 24 months shall be permitted to bring their babies to films at screenings shown exclusively for that audience and the age verification restriction shall not apply to babies at those screenings;

- Prior to admittance, staff shall check the date of birth for each baby to be admitted to ensure they are under 24 months;
- No one shall be admitted to parent and baby screenings unless accompanied by a baby;
- Babies must be held on the laps of the parent or guardian throughout the screening;
- The lights must be left on at low level throughout the screening

(to be removed from Section M box d of operating schedule)

- No open containers of alcohol to leave the premises.

Changes to proposals and conditions/amendments to the Operating Schedule

- To reduce the terminal hour proposed for the Sale of Alcohol on Thursday, Friday and Saturday to 01:00 hours the following morning save for in relation to New Year's Eve and New Year's Day the Non-Standard Timing is to remain as applied for.
- To remove the measure relating to CCTV offered by the applicant at section M box b of the application and agreed to the proposed condition suggested by the police as follows:

“CCTV cameras shall be installed, to the satisfaction of the Police and ICO guidelines and will be maintained in full working order when the premises are open to the public. Recorded images will be of evidential quality. Recordings shall be kept for a minimum of 28 days and made available to the Police and Licensing Authority (in accordance with Data Protection legislation). Signs will be displayed that CCTV is recording.”

Accordingly, members resolved to approve the application subject to the mandatory conditions and conditions consistent with the operating schedule, subject to the amendments and additions indicated above.

Authority was delegated to the Public Protection Officer to issue the licence.

8 APPLICATION FOR A PREMISES LICENCE FOR THE LUNA CINEMA LIMITED, BATH ROYAL CRESCENT LOWER LAWN, MARLBOROUGH LANE, BATH BA1 2NQ

Applicant: The Luna Cinema Ltd, represented by George Wood (Managing Director), Jamie Plummer (Head of Production) and Rachel Gillard (Executive Co-ordinator)

Other parties in attendance: Geoff Cannon (Police Licensing Officer), Nigel Shire (Environmental Protection), Stephen Huard (Marlborough Lane Residents Association), Nicola Isherwood (Royal Crescent Society Residents' Association)

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

The Senior Public Protection Officer presented the report. A representation had been received from the Police relating to all the licensing objectives, and they had proposed amendments to the operating schedule as set out on pages 90-92 of the

agenda. The applicant had agreed in writing to these amendments (page 93 of the agenda). A representation had been made by Environmental Protection in respect of the prevention of public nuisance licensing objective, and they had proposed the same reduction in hours as the Police, a reduction in the number of events per year and a limit to their duration, and a maximum audience capacity (agenda page 98). Six representations had been received from other persons, which collectively related to all four of the licensing objectives. Supplementary information had been received from one of the Other Persons, Cllr Andrew Furse, which would be admitted in evidence at the discretion of the Chair and the agreement of all parties. She invited the Sub-Committee to determine the application.

Cllr Furse's late submission was accepted in evidence. It is attached as Appendix 1 to these minutes.

Mr Wood stated the case for the applicant. He said his company specialised in the open air screening of classic films in heritage sites and sites of historic importance. The company operated throughout Britain. He believed that they had developed a mode of operation which worked. They had over 175 screenings every summer, and the events had a very low impact. It was the uniqueness of the sites that really made the events. He believed that their event management plan allowed them to hold events while promoting the licensing objectives. Key aspects of the plan were limited number of annual screenings, the time limit within which events would take place and the restriction on the number of people within the arena at any one time. All seats were sold in advance, so the number of people to attend was known. He noted that representations had objected to the clash between Luna's planned event of the 28-30th September with a Royal Crescent Society event on 29th September. However, the bid for 28-30th September had been submitted in January and agreed with the Council's Events Team. It was not until March that the Royal Crescent Society's event had been proposed. He hoped that the two events would be permitted to overlap. He submitted that there was no detail in the representations that indicated that Luna would not be able to promote the licensing objectives. He accepted that the amendments to the operating schedule proposed by the Police and Environmental Protection were correct and proper, and should remove the concerns of residents. He was acutely aware of the importance of not impacting adversely on the community, as this might lead to the prohibition of events on these sites in future.

Members put questions to Mr Wood.

Q: Can you tell us more about your noise management plan?

A: We play background music for about an hour and a half before the film. This allows our technician to check the ambience. The key thing for cinema sound is clarity rather than volume. We set sound levels with great sensitivity.

Q: How about noise from the audience?

A: That is background noise. Two of the films we will be showing will be musicals and the audience might sing along with them, but that will have little impact. We will work closely with Environmental Protection to minimise any impact.

Q: The two events on the 29th September will only be separated by a low wall or ha-ha. How can you be sure that there will be no spill over between them?

A: We will deploy staff to manage the circulation of people. We are confident that we can prevent people without tickets entering the cinema area, but some cinema customers might want to leave to attend the other event. It would be the responsibility of the managers of the other event to control this.

Q: Can you explain the use of headphones?

A: Let me ask Mr Plummer to give you the details.

Mr Plummer stated that advice had been taken from independent sound consultant and it had been decided that if there was a problem about keeping noise down to an acceptable level, particularly on Sundays, within the timescale, then headphones would be used by the audience and the public address system would be deactivated. Most events are planned three months in advance, so there is plenty of time to visit the site and make appropriate adjustments to the sound system, but the headphones option is a back-up if it is the only way of preventing nuisance.

Mr Huard, Chairman of the Marlborough Lane and Buildings Residents Association, stated his case. He said that the noise at last year's Luna event had been totally unacceptable. All the houses in Royal Crescent differed slightly from one another and listed building status limited what occupiers could do to noise proof them. Residents were liable to noise nuisance in hot weather when windows were open. He objected to the clash between the two events being held on Saturday 29th September. There would be two noisy events taking place at the same time in close proximity. The Association had had a meeting with Luna on 14th May, and had asked them to consider moving the event to Middle Common, which is an area regularly used for noisy events throughout the year and is acceptable to residents. These discussions had resolved nothing. To have two noisy events, one behind and one in front of people's homes is not acceptable. On 22nd August the Association had been advised of the possible use of headphones. This raised concerns about how the cinema audience would react when told they would have to wear headphones. There had been no consultation with residents about this. Residents were very concerned after the disturbance caused by last year's Luna event, despite Luna claiming they are experts in sound. The design of Royal Crescent is unique and has a unique ambience for sound. In response to questions from Members he stated that he had walked down Royal Crescent during last year's event and the noise had been unacceptable. Residents are advised that if there are problems during an event, they should contact the organisers or the Council. When residents rang the Council, there was no one to talk to. Residents who experience noise nuisance do not necessarily make official complaints, but they do raise it as an issue at Residents' Association meetings. Residents had spoken of the reverberation of noise from the event around the Crescent. The houses in Royal Crescent differ, with some having bedrooms in the front and others having them in the back. Those with bedrooms away from the noise react differently to those who are nearer to it.

Nicola Isherwood of Royal Crescent Residents' Association stated her case. She said that she was also speaking on behalf of Rachel Clarkson-Short, who was unable to attend today's hearing. She stated that they were approximately 115 residents in Royal Crescent. Residents did not oppose all events in the Crescent, but hundreds of people visited the Crescent every day and she did not think it was necessary to have an open air cinema to entice them to do so. There was a lot of concern about the event that Luna had held last year, at which the volume had been turned down in response to a request from a resident and then turned up again.

People had complained they were unable to have a conversation in their homes because of the noise, and two had complained that the noise had given them a migraine. It should be noted that some of the residents of the Crescent were children or elderly. She was concerned about two simultaneous events on 29th September, and felt that the Royal Crescent Society, a local organisation trying to benefit local residents, was almost being forced into cancelling its own event by an outside commercial operator. Residents felt that they had not been listened to.

Mr Cannon explained how the Police had initially been concerned by the application and had proposed additional conditions to clarify details in order to ensure there was no adverse impact on the licensing objectives. The applicant had been responsive and had agreed to accept the additional conditions, so the Police had no remaining concerns. Responding to questions from Members he said no one had contacted the Police about last year's event and that he was pleased that Luna had agreed that their SIA staff should be allocated separate specific responsibilities.

Nigel Shire stated the case for Environmental Protection. He explained the Environmental Team's initial concerns about the application and stated that they were now content following Luna's acceptance in writing of their proposed modifications to the operating schedule. Replying to the Chair he said no complaints had been made directly to Environmental Protection at the time of last year's event, though a number of complaints were notified about six weeks afterwards.

The parties were invited to sum up.

Mr Huard said that residents objected to an event being forced on them without consultation. Not all residents of the Crescent are wealthy; many of them are tenants who pay rent. His Association was happy to meet and talk with event organisers. That is what he had done in May with guidance from Licensing. He objected to the fact that the Society was practically being forced to cancel its own event and that Luna appeared unwilling to engage in conversation about it.

Mr Wood said that events had to be agreed with the Council in advance. The event of 28-30th September had been agreed with the Council Events Team on 26th January. Luna was entirely happy to co-operate with the local community; the company operated at 65 locations in the country and had good relations with all the venues and local residents. Luna would in future improve communications with the local community by notifying the dates of all events in advance to residents as well to the Events Team. This would help prevent clashes between events in future. Locations for events were chosen because they were attractive to the public. A letter had been sent to residents on 4th September explaining the September event and giving a contact phone number. No one had contacted Luna in response to that letter to express concerns.

Following an adjournment the Sub-Committee **RESOLVED** to grant the application with modifications as detailed below.

Decision and reasons

Members have had to determine an application for a new Premises Licence for the Luna Cinema Limited, Bath Royal Crescent Lower Lawn, Marlborough Lane, Bath,

BA1 2NQ. 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 made and were careful to balance their competing interests. Members were however careful to disregard irrelevant matters such as the events calendar.

The Applicant

George Wood, Managing Director of the Luna Cinema Limited addressed members on behalf of the applicant.

Mr Wood indicated verbally that the Luna Cinema specialises in sites of historical and /or heritage importance, often in locations close to residents. They have 175 screenings each summer and their screenings are low impact as they are set up on the first day of the screening. He indicated that they have regard to the peculiar, particular sensitivities of the sites.

Mr Wood contended that in his view there was no detail in the representations which undermines the promotion of the licensing objectives however, he confirmed verbally having already done so in writing, the applicant's agreement to the measures proposed by the Police Licensing Officer and Senior Environmental Health Officer. Members also heard from Jamie Plummer, Head of Production on behalf of the applicant. He addressed members regarding technical points related to noise and logistics related to the event.

Responsible Authorities

There had been a representation from the police expressing concern that the applicant's proposals failed to adequately promote all of the licensing objectives. Specific concerns related to the number of proposed events and their duration which the police felt could potentially cause disproportionate amount of public nuisance and possibly low-level crime. In relation to the hours proposed for the licensable activities, the PLO expressed concern that the later hours, given the nature of the location and proximity to neighbouring properties, may give rise to increased public nuisance and possibly anti-social behaviour. There was concern around proposals in the operating schedule being vague and not specific enough to show how the applicant will promote the licensing objectives. Accordingly, the police proposed a reduction in timings; removal of some measures proposed by the applicant and proposed additional measures to mitigate concerns regarding the undermining of the licensing objectives. The applicant had agreed in writing (set out at Annex D to the LSC report) to the proposals made by the police (Annex C). The Police Licensing Officer Geoff Cannon noted in his written representations to the Licensing Authority that the applicant had responded promptly and positively to the concerns he had raised with them.

Mr Cannon addressed members verbally to confirm his representations already made in writing.

The Bath and North East Somerset Council Environmental Protection Team had made a representation that the proposed application would undermine the Prevention of Public Nuisance licensing objective. Concerns expressed were that with 10 events of 6 days duration late into the evening in The Royal Crescent, this could potentially cause a disproportionate amount of public nuisance. Further concerns related to timings of films, audience capacity and adequate measures to control noise from the licensable activities. Environmental Protection proposed amendments to the Operating Schedule relating to hours open to the public, hours for the exhibition of film, the number of events per year and maximum audience capacity in accordance with the representations made by the police. Further they proposed a noise management plan be submitted to and agreed in writing by the Environmental Protection Team one month prior to any event.

Interested Parties

Representations had been received from Councillor Furse, the Marlborough Lane & Buildings Residents' Association, the Crescent Lawn Company, the Royal Crescent Society (Lawn Events), the Royal Crescent Society Residents Association and the residents of the Royal Crescent.

The Marlborough Lane and Buildings Residents Association expressed concerns in writing that the noise generated by the cinema would undermine the prevention of public nuisance licensing objective with particular reference to Saturday 29 September 2018. Mr Stephen Huard attended as Chair of the Association and verbally confirmed the written representations and addressed members regarding noise from the event last year which he described as totally unacceptable. He explained to members that as all houses are slightly different, residents' experiences of noise differ.

The Royal Crescent Society Residents Association objected in writing to the application on the basis that it would undermine all four licensing objectives.

The Association expressed concern that noise generated by the cinema would create public nuisance, including noise made by customers leaving the premises and returning to their vehicles, as well as disturbance to children sleeping. Ms Nicola Isherwood verbally confirmed her written representations on behalf of the Association but indicated that they are not against events in principle and the Association believes in sharing what they have. She explained however, that they did not feel listened to and cited the noise from last year's event and the upset that had been caused to residents and one resident in particular who had complained directly to the event which she said resulted in a temporary noise reduction following which the noise had gone up again.

The Royal Crescent Society (Lawn Events) expressed concerns in writing related to all four licensing objectives with particular reference to the Prevention of Public Nuisance and protection of public safety licensing objectives. They are concerned that there will be loud noise and music very close to where people live and close to children who go to school on Monday mornings. In relation to Prevention of crime and disorder licensing objective the Association indicated that parking offences and anti-social behaviour are inevitable in their view. Concerns were expressed also

regarding Public Safety of customers leaving the premises and in relation to the protection of children from harm.

The Crescent Lawn Company objected to the application based on the licensing objectives of prevention of crime and disorder, prevention of public nuisance and public safety. The Association was concerned that the noise generated by the cinema would create a public nuisance.

Ms Clarkson-Short, a resident to the proposed premises expressed concerns in writing that the application would undermine the prevention of crime and disorder, prevention of public nuisance and public safety licensing objectives. Ms Clarkson-Short cited the noise from the cinema as well as the music proposed to be played before the film, customers leaving the premises, late night vehicle movements as contributing to public nuisance with particular concern expressed about the impact of the premises' licensable activities on a Sunday evening when children have school on Mondays and adults have work. Ms Clarkson-Short nominated Ms Isherwood to confirm her representations verbally before the Licensing Sub-Committee.

Councillor Andrew Furse objected to the application citing the prevention of public nuisance and protection of children from harm licensing objectives. His concerns related to the noise impact on residents and children in the vicinity with reference to Sundays in particular. Councillor Furse had submitted additional information by e-mail dated 24.09.18 which all parties had consented to the introduction of, as a preliminary issue. Members had also agreed to the introduction of this additional information. Councillor Furse asked for his apologies to be recorded. He stood by his concerns based on last year's event and in relation to holding events late on a Sunday however, he accepted that the use of headphones would mitigate the noise issues during the event, but once the event was over the noise created on a Sunday night will still impact residents and their children. He asked for the timing for the event to be brought forward.

Members

Members carefully considered the representations made on behalf of the Interested Parties, the Responsible Authorities and the Applicant.

Members noted however that licensing is a permissive regime and their determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what is intended to be achieved.

Members noted with care the representations made by the Interested Parties but balanced these against the representations received from the Responsible Authorities and all other relevant considerations and were satisfied that any effect of the licence on the licensing objectives could be addressed by the conditions consistent with the operating schedule, subject to the amendments and proposed conditions put forward by the police and Environmental Health Team and agreed to by the applicant (as set out below), all of which Members found to be appropriate and proportionate.

Proposals and conditions no longer pursued to be removed from Operating Schedule

(from section M of operating schedule)

- There will be no more than 10 film events per year
- There will be bag checks and security searches before entry to the site
- There will be a full security team on site at all times. This security team will include SIA badged staff members managing Entrances, Exit and Bar area.

Changes to proposals and conditions/amendments to the Operating Schedule

Change:

- The hours the premises are open to the public will be amended from 17:00 to 23:55 Tuesday to Sunday, to 17:00 to 23:15 Tuesday to Sunday
- The hours for the exhibition of film will be amended from 18:30 to 23:30 Tuesday to Sunday, to 18:30 to 22:45 Tuesday to Sunday
- The hours for the supply of alcohol will be amended from 17:00 to 23:00 Tuesday to Sunday, to 17:00 to 22:30 Tuesday to Sunday

Add:

- The Luna Cinema will be limited to a maximum of 2 events per year consisting of no more than 3 consecutive days to take place between the start of June and the end of October
- The maximum audience capacity for the premises will not exceed 2000.
- 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.
- There will be a minimum of 3 SIA registered members of security staff will be on duty from 30 minutes prior to each film evening opening to the public and until the event closes to the public.
- 2 SIA registered members of security staff will be positioned at the box office to conduct random bag searches.
- At least 1 SIA registered member of security staff will be positioned in the bar and concessions areas.
- The organisers will provide notification to the police and Licensing Authority at least one month in advance of each event taking place.
- A noise management plan shall be submitted to and agreed in writing by the Environmental Protection Team one month prior to any event.

Accordingly, members resolved to approve the application subject to the mandatory conditions and conditions consistent with the operating schedule, subject to the amendments and additions indicated above.

Authority was delegated to the Public Protection Officer to issue the licence. Members noted and encouraged the applicant’s indication that they would be proactive at communicating with residents in the future with event proposals.

Members noted that the review process under the Licensing Act 2003 represents a key protection for the community where problems associated with the licensing objectives occur after the grant or variation of a premises licence.

The meeting ended at 8.37 pm

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services

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NON CIRCULATED
ADDITIONAL INFO

Lauren Latta

From: FURSE Andrew <andrew.furse@altran.com>
Sent: 24 September 2018 10:19
To: Licensing
Cc: Andrew Furse (Cllr)
Subject: Today's Luna Cinema hearing

Importance: High

FAO Terrill Wolyn

Dear Terrill,

Although initially expecting to attend today, I have been called to an unscheduled work related project meeting in London and thus unable to attend today.

I would like to ask that my apologies are recorded.

From complaints and evidence from last year, I continue to stand by my concerns over the Luna Cinema and it holding its event late on a Sunday. I accept that their offer of using headphones will mitigate the noise issues during the event, but once over the noise created on a Sunday evening will still impact residents and their children. There is no reason why their event needs to be late on a Sunday and I would ask the hearing that the timing is brought forward.

Thank you.

Cllr Andrew Furse

Andrew Furse BEng CEng FIRSE MIET
Principal Consultant (Rail),

andrew.furse@altran.com

direct: +44 (0) 1225 823828
mobile: +44 (0) 7876 21 17 16
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BATH AND NORTH EAST SOMERSET COUNCIL

LICENSING SUB-COMMITTEE

Thursday, 11th October, 2018, 10.00 am

Councillors: Les Kew (Chair), Rob Appleyard and Deirdre Horstmann

Officers in attendance: John Dowding (Senior Public Protection Officer) and Shaine Lewis (Team Leader Resources - Legal Team)

9 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer advised the meeting of the procedure.

10 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were none.

11 DECLARATIONS OF INTEREST

There were none.

12 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was none.

13 TAXI PROCEDURE

The Chair drew attention to the procedure to be followed for the two taxi hearings.

14 EXCLUSION OF THE PUBLIC

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, **RESOLVED** that the public shall be excluded from the meeting for the next two items of business and that the reporting of this part of the meeting 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.

15 CONSIDERATION OF FIT AND PROPER PERSON IN THE ABSENCE OF A VALID DBS CERTIFICATE AND FAILURE TO COMPLY WITH REASONABLE REQUEST OF DELEGATED OFFICER - 16/00683/TAXI

The license holder was not present and had not communicated any explanation for his failure to attend the hearing.

Members **RESOLVED** to proceed with the hearing in his absence.

The Senior Public Protection Officer presented the report. As part of the three-yearly program of checks a letter had been sent to the license holder in January 2018

requesting him to submit a valid DBS certificate. The licence holder had failed to respond to this letter and to subsequent letters sent to his last known address.

The Sub-Committee **RESOLVED** that:

1. in the absence of a valid DBS certificate it was not possible to establish that the licence holder remained a fit and proper person to hold a combined Hackney Carriage/Private Hire driver's licence;
2. the failure of the licence holder to comply with the reasonable requests of delegated officer also called into question his status as a fit and proper person;
3. therefore the licence holder's licence should be revoked.

Reasons

Members have had to determine whether or not the licensee continues to be a fit and proper person to hold a combined Hackney Carriage/Private Hire Driver's Licence having failed to provide a copy of the Disclosure and Barring Service Certificate as required and having failed to comply with two reasonable requests to do so. In reaching their decision members had regard to the Local Government (Miscellaneous Provisions) Act 1976, Human Rights Act 1998, case law and the Council's Policy.

Members were satisfied the notice of hearing and report pack had been sent to the licensee's last known address. Members were satisfied that the licensee had been sent letters in January and July 2018 advising of the obligation to provide a DBS check and warning that failure to comply would result in a referral to the Licensing Sub Committee. The licensee had not attended the committee and the Senior Public Protection Officer confirmed there had been no contact from the licensee regarding the DBS or committee hearing. In all the circumstances Members were satisfied it was in the interests of public protection to determine this matter in absence given the licensee had been given reasonable notice of the hearing and had not provided a reason to defer the matter.

Members had regard to the contents of the report, annexes and noted the licensee made no written representations, had not contacted the office or attended the hearing.

Members noted:

- i. The licensee was first licensed in December 2005 and the current licence issued on 20 August 2018 subject to "a satisfactory DBS Check".
- ii. The Council's Policy on Hackney Carriage and Private Hire Licensing Standards States; "that all holders of a combined Hackney Carriage/Private Hire drivers licences will be subject to an Enhanced Disclosure & Barring Service check every three years from the date of the first licence issued". In line with this, the licensee was sent a letter to his last known address in January 2018 advising that a DBS check

- was due and that an appointment should be made for that purpose by 31 March 2018. No response was received from the licensee.
- iii. The licensee was sent a further letter on 31 July 2018 enclosing a copy of the January 2018 letter, advising the DBS was outstanding and requesting the licensee to contact the Taxi Licensing office within 7 days to avoid formal action. That letter advised no further reminders would be sent and failure to make contact would result in a referral to the Licensing Sub-Committee.
 - iv. The licensee failed to contact the Taxi Licensing team as requested and has failed to attend the LSC hearing giving no reason.

Members reminded themselves of their policy and noted that a DBS Check is an important tool in determining whether or not a licensee continues to be a fit and proper person to hold a licence. In all the circumstances and in the absence of a satisfactory DBS check Members could no longer be satisfied that the licensee continued to be fit and proper.

Accordingly members resolved to revoke the licensee's licence under section 61(1)(b) Local Government (Miscellaneous Provisions) Act 1976.

Authority delegated to the Public Protection Officer to give notice to this effect.

16 APPLICATION FOR A COMBINED HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE - 18/01001/TAXI

The applicant confirmed that he understood the procedure to be followed for the hearing.

The Senior Public Protection Officer presented the report and provided Members with a copy of a DBS certificate relating to the applicant and a written statement submitted by him. The hearing was adjourned to allow Members time to study these documents.

After the adjournment the applicant stated his case and was questioned by Members.

After a further adjournment the Sub-Committee **RESOLVED** that the applicant was a fit and proper person to hold a combined Private Hire/Hackney Carriage Driver's Licence.

Reasons

Members have had to determine an application for a combined Hackney Carriage/Private Hire Driver's Licence. In doing so they took account of the Local Government (Miscellaneous Provisions) Act 1976, Human Rights Act 1998, case law and the Council's Policy.

The applicant stated the last offence was 17 years ago and he is a changed person since then and having been a licensed driver in Bristol and South Gloucestershire. When the recession hit the trade dropped off so he retrained as an electrician. At present he needed flexibility to juggle work with caring for his elderly parents which the taxi trade would provide.

Members noted the convictions fall outside the policy although disclose a propensity towards dishonesty and offences against the person. Members were uncomfortable with the applicant's presentation and his demeanour before them which at times was challenging and had to be satisfied that their friends and loved ones would be safe and secure in a vehicle alone being driven by the applicant. In view of the policy and all the circumstances, however, Members gave the applicant the benefit of the doubt and grant the licence with a warning that in the event of any future misconduct the matter will be referred to the committee for determination.

The meeting ended at Time Not Specified

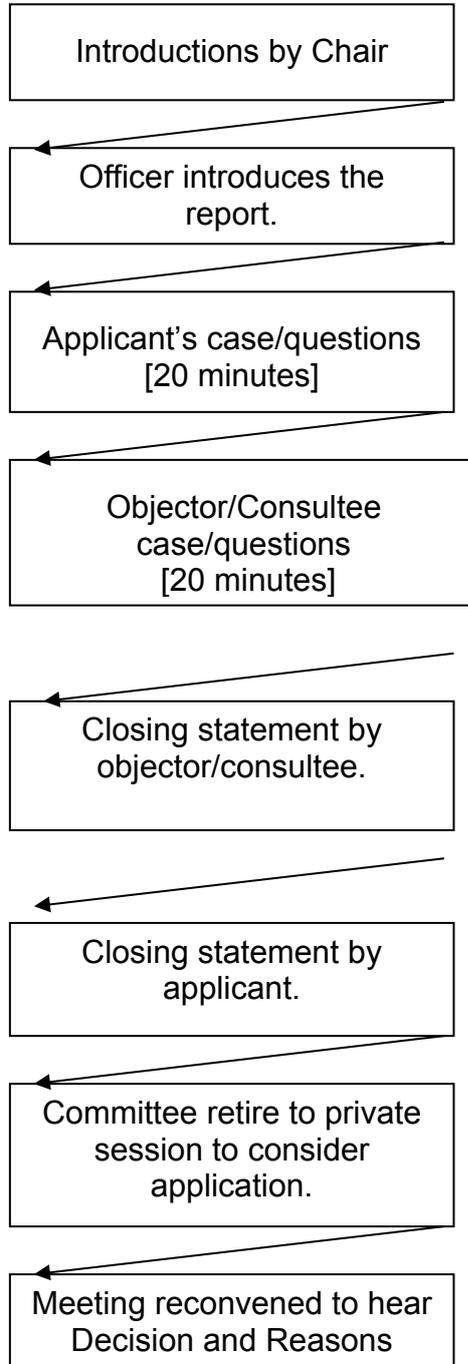
Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services

**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/ DECISION MAKER:	Licensing Sub Committee		
MEETING/ DECISION DATE:	Thursday 25th October 2018	Agenda Item Number	
TITLE:	Application for a Street Trading Pitch (28), Grand Parade, Bath		
WARD:	Abbey		
AN OPEN PUBLIC ITEM			
<p>List of attachments to this report:</p> <p>Annex A – Copy of Application</p> <p>Annex B – Copy of the Street Trading Policy</p> <p>Annex C – Copy of the Standard Street Trading Conditions</p> <p>Annex D – Site Plans</p> <p>Annex E – Copy of the Highway Consultation Notice – placed on display in Grand Parade. Delivered to adjacent premises and also circulated to standard consultees</p> <p>Annex F – Copy of the objection to the application</p>			

1 THE ISSUE.

- 1.1 An application has been received from Thomas Dollar and Rebecca Paisley, trading as “Bernard’s”, to have a street trading pitch in Grand Parade Bath. This is an existing pitch. The application is to allow them to sell bacon rolls, filled baps, teas and coffees every day from 6am to 4pm.

2 RECOMMENDATION

- 2.1 That the Licensing Sub Committee determines the application.

3 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

- 3.1 There are no resource implications arising from this report. The costs of processing licences and regulatory investigations are covered by the fees charged for licenses.

4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL

- 4.1 In accordance with Section 3 of the Local Government (Miscellaneous Provisions) Act 1982 (the 1982 Act), Bath and North East Somerset Council have adopted Schedule 4 of that Act. In accordance with that Schedule, the Council has designated all

Streets/Highways within the Authority as "consent streets". This means that street trading is prohibited, subject to legal exemptions, without first having obtained a street trading consent from the Council.

- 4.2 This application has been brought to the committee as valid objections have been received from local residents.
- 4.3 When making a decision consideration needs to be given to the Human Rights Act 1998.
- 4.4 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 from Thomas Dollar & Rebecca Paisley (**Annex A**).
- 5.2 The pitch size is a maximum of 8 feet x 6 feet.
- 5.3 The type of stall to be used will be a bespoke mobile catering trailer.
- 5.4 The times applied for is 6am to 4pm every day.
- 5.5 Notification of the application (**Annex E**) was posted in Grand Parade and copies hand delivered to all nearby retail premises and residents of the Empire on 19th September 2018 giving persons until midnight on Tuesday 10th October 2018 to submit any objections. The application was also published on the Council's website.
- 5.6 Paragraph 7(2) of Schedule 4 to the 1982 Act provides that subject to sub-paragraph (3) the Council may grant consent if they think fit.

Sub-paragraph (3) provides that a street trading consent shall not be granted:
 - (a) To a person under the age of 17 years; or
 - (b) For any trading in a highway to which a control order under Section 7 of the Local Government (Miscellaneous Provisions) Act 1976 is in force, other than trading to which the control order does not apply.
- 5.7 Paragraph 7(4) of Schedule 4 to the 1982 Act provides that when granting or renewing a Street Trading Consent the Council may attach such conditions to it as they consider reasonably necessary.

5.8 Bath and North East Somerset Council has standard Street Trading conditions (attached at **Annex C**) which are applicable to all Street Trading Consents issued by the Council.
- 5.8 Each application for a Street Trading Consent will be considered in line with the Council's current policy on Street Trading (attached at **Annex B**).
- 5.9 A plan of the area is included (**Annex D**).
- 5.10 Objections were received (**Annex F**). The grounds for the objection are:-

That there is not enough space in the street for the applicant to engage in the trading, in which they desire to engage, without causing undue interference or inconvenience to persons using the street.

6 RATIONALE

6.1 As objections have been received, the Licensing Sub Committee must determine the application.

7 OTHER OPTIONS CONSIDERED

7.1 None.

8 CONSULTATION

8.1 In accordance with the current Bath and North East Somerset Street Trading 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. A copy of the consultation document is attached (**Annex E**).

8.2. The report has not been sent to the Trade Unions because they would have no involvement in this application.

9 RISK MANAGEMENT

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

The Council's monitoring officer (Director of legal & Democratic Services and Council Solicitor), Section 151 Officer (Chief Financial Officer) and the Head of Building control and Public Protection have had the opportunity to input to this report and have cleared it for publication.

Contact person	Ian Nash Public Protection Officer (Licensing). Tel: 01225 396719
Background papers	Local Government (Miscellaneous Provisions Act) 1982
Please contact the report author if you need to access this report in an alternative format	

From: cis@bathnes.gov.uk on behalf of Online Form via Bathnes <cis@bathnes.gov.uk>
Sent: 06 September 2018 08:19
To: Licensing
Subject: Request for Street Trading Pitch 28 (Bernards)

A request for a street trading pitch was submitted as follows:

Name: THOMAS ROBERT DOLLAR

Address:

Phone:

Email:

NI No:

DoB:

Trading Name: Bernard's

Pitch: 28

Goods: Bacon rolls filled baps tea coffee and cold drinks.

Many visitors to bath enjoy the weir and we feel we could contribute by providing them with refreshments.

Would like to provide a take away service supplying good quality snacks and refreshments with generous portions. Our rolls will be made using healthy fresh ingredients and our bacon baps will be a hot tasty treat. We will be buying our supplies locally.

There is also a taxi rank nearby and we could provide a service to the drivers and the customers. We also feel that local workers would benefit from our service as many like to relax and enjoy their lunchbreak in this area.

There is no other facility such as ours will be on this street.

Times: 6am 4pm 7 days a week

Type: Small smart catering trailer.

Attachments:

<https://www.bathnes.gov.uk/sites/default/files/webform/finished-horsebox-conversion.jpg>

Declaration:

I am over 17 years of age.

I understand the Street Trading Policy and shall abide by it at all times.

I understand the Street Trading Conditions and shall abide by them at all times.

X 3 4 4 4
I understand that the Consent may be revoked at any time.

I confirm that I have permission from the landowner to trade in this location.

I understand that other Council departments e.g. Tourism, Leisure and Culture, Open Spaces, Commercial Estates, Property Services and Highways may have an interest as landowner and may restrict use at certain times, either temporarily or permanently.

The information I have given in this application is true.

Submitted on Thursday, 6 September 2018 - 8:19am

Annex B

Bath & North East
Somerset Council

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 councilors
- 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.

Street Trading Policy Conditions

Standard Conditions (attached to each Street Trading Consent)

1. The holder of this Consent (which expression where appropriate includes joint holders of this Consent) and any person employed to assist on the Pitch shall produce the Consent on demand when so required by a Police Officer or a duly authorised officer of Bath & North East Somerset Council (the Council).
2. The holder shall return this Consent to the Council immediately on revocation or surrender of the Consent.
3. The holder shall not trade otherwise than strictly in accordance with this Consent.
4. The holder shall notify the Council's Licensing Team at Bath & North East Somerset Council, Lewis House, Manvers Street, Bath BA1 1JG immediately of any convictions or cautions obtained by the holder of this Consent.
5. The holder shall not cause any obstruction of the street or danger to persons using it and shall not permit persons to gather around him or any van, cart, barrow, other vehicle or stall included in this Consent so as to cause a nuisance or annoyance or danger to any persons lawfully using the street and shall not park any such van etc. on the footway or verge of the street.
6. The holder shall not use or suffer or permit any music playing, music reproducing or sound amplification apparatus or any musical instruments radio or television receiving sets whilst trading under this Consent, save as varied by a special condition of this Consent or in relation to Consents relating to buskers.
7. The holder shall not place on the street or affix to any equipment placed on the street any advertising material of any description whatsoever except with the consent, in writing, of the Council's Licensing Manager.
8. The holder shall not make any excavations or indentations of any description whatsoever in the surface of the street or place or fix any equipment of any description in the said surface.
9. The holder shall not use the street for any trading purpose other than the purpose as permitted by the Consent and then only during the permitted hours.
10. The holder shall not place on the street any furniture or equipment other than as permitted by the Consent and they must maintain the same in a clean and tidy condition and not place them so as to cause any obstruction.

11. The holder shall not do or suffer anything to be done in or on the street which in the opinion of the Council may be or become a danger, statutory or common-law nuisance or annoyance to or cause damage or inconvenience to the Council or to the owners or occupiers of any adjacent or neighbouring premises or to members of the public.
12. The holder shall not assign underlet or part with his interest or possession under this Consent or any part thereof but they may surrender it at any time.
13. The holder shall observe and comply with any directions in relation to the use of the street given by any duly authorised officer of the Council.
14. The holder shall keep the trading position and the immediately adjacent area in a clean and tidy condition during the permitted hours and also leave the same in a clean and tidy condition and unobstructed at the end of each daily period of use under the terms of this Consent.
15. The holder shall provide at their own cost and expense litter bins or similar receptacles for the deposit of cartons, wrappings, containers and similar discarded items and remove them and their contents at the end of each daily period of use under this Consent.
16. The holder shall retain with any van, cart, barrow, other vehicle or stall included within this Consent any water used or waste produced until the end of each daily period of use under this Consent and then remove it and dispose of it elsewhere, and in particular shall not deposit any such waste near or into any street drain or channel.
17. The holder shall indemnify and save harmless the Council and their agents, servants and workmen from and against all proceedings damages claims or expenses in respect of an injury (including personal injury) 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 his trading and the provision of facilities under this Consent.
18. The Consent Holder shall arrange their own Public Liability Insurance for a minimum value of £5M.
19. This Consent may be revoked by the Council at any time and the Council shall not in any circumstances whatsoever be liable to pay any compensation to the holder in respect of such revocation.
20. The Consent holder or any person employed by them to assist them on the Pitch shall at all times wear the identification badge issued by the Council whilst trading from the pitch. The badge shall be worn in a conspicuous position on the upper body.
21. The holder shall return the identification badge(s) to the Council immediately on revocation or surrender of the Consent.
22. Street Trading Fees

All street trading fees are due in advance:

- i. Where fees are paid by cash or cheque then they need to be paid before the

1 January, 1 April, 1 July and 1 October each year unless;

- ii. The Consent Holder has in place arrangements to pay the street trading fee by monthly Direct Debit installment whereas the Consent will be renewed on an annual basis commencing on 1 April.
- iii. Failure to maintain Direct Debit payment as above may result in the consent being revoked or not renewed.
- iv. Where the payment fails to be made by the due date the Council may charge an administration fee as determined by the Licensing Manager.

Notes:

1. Street trading in a consent street without a Street Trading Consent, or from a van, cart etc., not specifically permitted by Consent, or contravening certain conditions attached to a consent, amounts to an offence for which proceedings may be instituted.
2. A Street Trading Consent does not confer immunity from the provisions of any Street Parking Places Order or General Traffic Restriction Order unless an exemption has been specifically approved. In case of doubt about the effect of any such Order, enquire at Licensing Services, Bath & North East Somerset Council, Lewis House, Manvers Street, Bath BA1 1JG. Any abuse of a specifically approved exemption may lead to the privilege being withdrawn for all traders.
3. The Local Government (Miscellaneous Provisions) Act 1982 provides as follows:

Schedule 4, paragraph 10

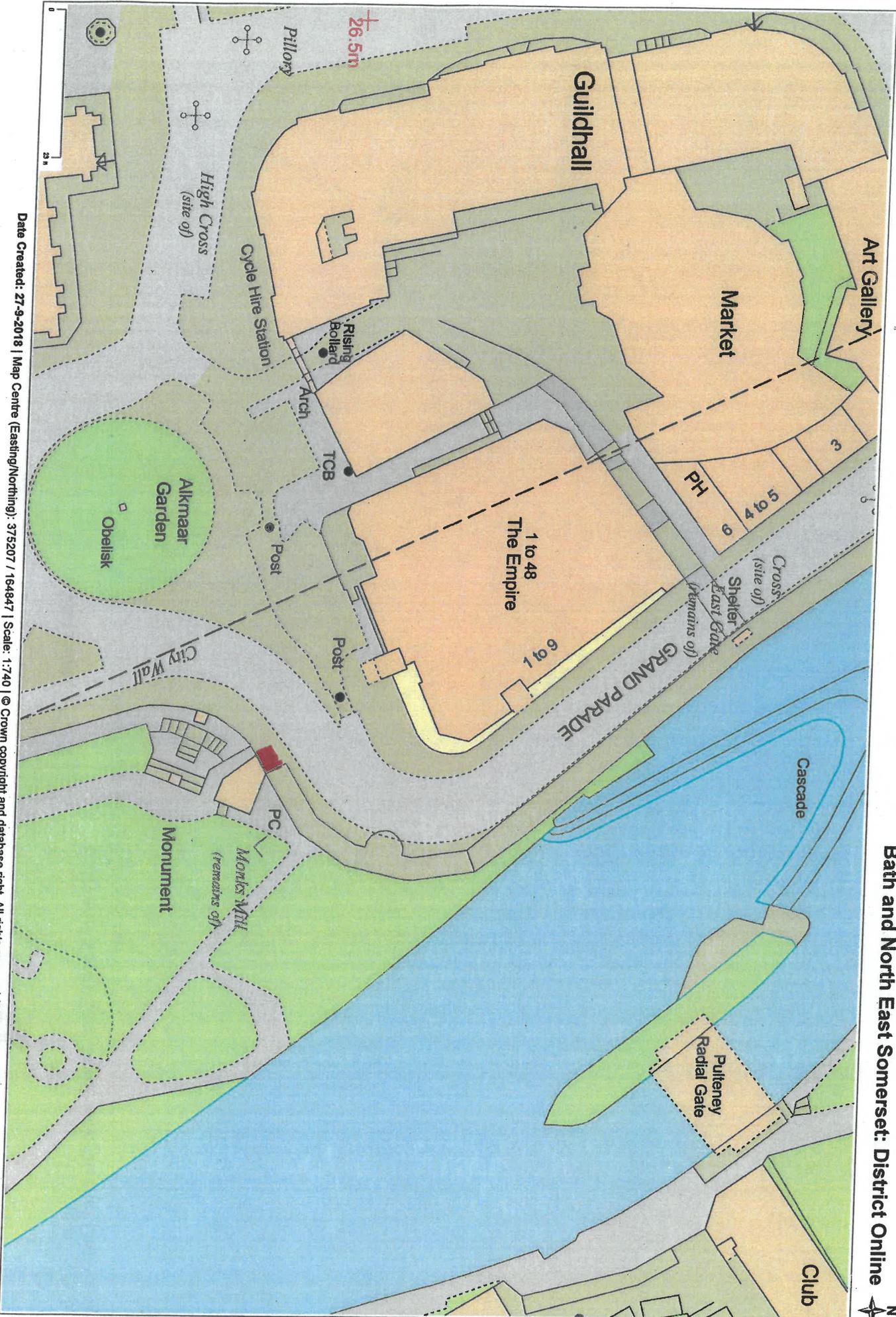
1. A person who:
 - b) engages in street trading in a consent street without being authorised to do so under this Schedule: or
 - d) being authorised by a street trading consent to trade in a consent street, trades in that street:
 - i) from a stationary van, cart, barrow or other vehicle; or
 - ii) from a portable stall,

without first having been granted permission to do so under paragraph 7 (8) (of this Schedule); or
 - e) contravenes a condition imposed under paragraph 7 (9) (of this Schedule), shall be guilty of an offence.
2. It shall be a defence for a person charged with an offence under sub-paragraph (1) above to prove that they took all reasonable precautions and exercised all due diligence to avoid commission of the offence.

3. Any person who, in connection with an application for a street trading consent, makes a false statement which they know to be false in any material respect, or which they do not believe to be true, shall be guilty of an offence.
4. A person guilty of an offence under this paragraph shall be liable on summary conviction to a fine.

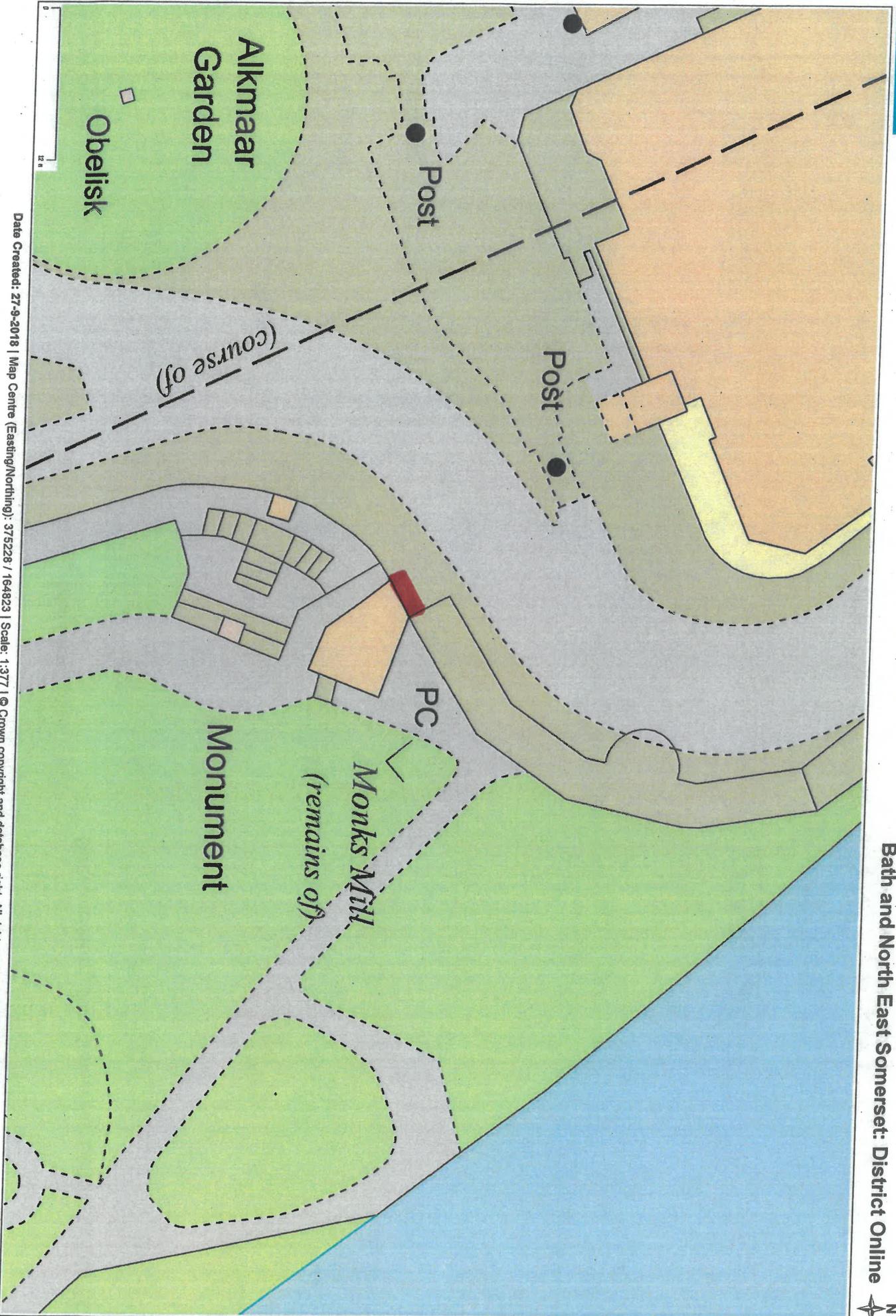
Site Plan

Bath and North East Somerset: District Online



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Site Plan



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Application Ref. 18/02174/STTRAD

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982**BERNARDS PITCH 28 GRAND PARADE BATH**

NOTICE IS HEREBY GIVEN that an application has been made to Bath & North East Somerset Council for the grant of a Street Trading Consent at the above location.

Name of each applicant	Mr Thomas Dollar Rebecca Paisley
Trading times	Every Day from 06:00 to 16:00
Articles for sale	Bacon rolls/filled baps and hot and cold drinks
Stall type	Trailer

If you wish to make any objections to the Council regarding the above application you should do so in writing to the undersigned by 10 October 2018.

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

Dated 19 September 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

OBJECTION TO APPLICATIONS: Ref 18/02174/STTRAD and 18/02135/STTRAD

This OBJECTION is submitted on behalf of the Empire Owners Committee, representing the 43 apartments in the Empire where residents would be impacted should one or both of these be approved. It also reflects the concern the residents have for the potential impact on Bath's architectural grandeur, its ambience, and its tourist experience.

There is a notice displayed in Grand Parade for application [redacted], albeit not at the site as designated on the Council's pitch map, but around two thirds of the way south along Grand Parade. However at present there is no website entry visible, so we have been unable to see the size of the proposed gazebo. However most objection points would apply irrespective of its size and precise location.

1. Firstly we endorse fully the detailed objection submitted by Mrs J Mistral, citing the impact on or from:
 architectural beauty; crowded pavements; litter and smell; gulls; health and safety
2. Grand Parade is cited in descriptions of Bath as exhibiting the grandeur of a "processional route", and is a key part of this Unesco site. Hot food and drink stands are therefore totally inappropriate on its pavements, detracting from that special ambience, impeding key views of Pulteney Bridge and the river and riverside, while also disrupting the progress of tour groups and tourists.
 The pavements are also used by large numbers of local people watching special events such as the Bath Carnival, Fireworks on the Recreation Ground, and Rugby matches.
3. The two small stands on pitch 28 currently selling ice cream and juice at weekends in the summer have some impact on crowds, but this new pitch 28 application would have a much greater impact, sized at 3m by 3m and operating daily from very early morning until late afternoon. The hours proposed for the pitch 29B stand continue into early evening.
4. Regarding smell and litter we would also add that Empire residents, as well as the public using the area, would suffer from the smell of hot food and the inevitable litter from wrappers and containers. Through the Council's initiatives on gulls we have seen an improvement in Grand Parade but hot food would cause the problem to increase once more. Any business setting up and attracting customers as early as 6am would also be extremely unfair to residents of the lower floors, and to guests sleeping in basement rooms.
5. The siting of pitch 28 is close to the entry to Parade Gardens and the area used for its garbage collection, and it is almost alongside the new parking space which has been allocated for the Council's garden maintenance vehicles, and the bus tour stop. So there is particular pressure on the pavement there, with little scope for even the dangerous use of the road by pedestrians to get round any trailer.
6. Lastly the area around pitch 28 is included in planning permission granted to the Council in mid-2016 as part of the plans to open up the Colonnades. Therefore at any time prior to mid- 2019 work could theoretically start on the Colonnades and require access to that area of pavement for work beneath the pavement.

So in conclusion we can see no justification for the adverse impact these would have on immediate residents and on one of the Unesco site's key processional routes and the city's tourist experience.

We therefore **OBJECT** strongly.

ANNEX F

24 SEP 2018

Bath and North East Somerset Council Licensing of Street Traders

Received

I am objecting to both Application Ref. 18/02174/STTRAD and
Application Ref.

My objections apply to both applications on the same grounds as follows:

Architectural beauty
Crowded pavements
Litter and smell
Gulls
Health and safety

Grand Parade is one of the most visited destinations for tourists for good historical and architectural reason. Pulteney Bridge alone is one of the most delicate and elegant Georgian architectural features in the city.

Thus the juxtaposition of hot food stalls with such an important site does not seem aesthetically compatible. Apart from the visual impact, there would be food smells and inevitably litter. Despite the hard work of the city's street cleaners it is already impossible to ensure the streets are kept completely litter free and this could create significantly more mess. Where people eat on the streets litter increases.

Equally the number of people visiting the area is very high and the pavement often densely crowded so that food stalls would impede the flow of foot traffic further. I think any further overcrowding would make the area more uncomfortable for pedestrians and result in people walking on the street.

Another issue is the large population of gulls. The presence of street food could well become a risk attracting gulls around tourists, and snatching food from people's hands. I have seen people trying to stroke young gulls and feed them, and have heard reports in Bath of food being 'stolen' by gulls in flight.

I do not think therefore that food stalls selling hot food would be appropriate in this location.

Judith Mistral
September 21st 2018

24 SEP 2018

Received

21.9.18.

Dear Mr Brown,

I would like to submit objections to
Applications 18/02174/STTRAD
and

I enclose my list of detailed objections
for your consideration.

Yours sincerely,

MRS JUDITH MISTRAL

24 SEP 2018

Received

Cathryn Brown
Environmental Protection and Licensing Manager
Bath & North East Somerset Council

Re: **Objection** Ref. 18/02174/STTRD on the grounds of:

> Safety > Litter > Gulls

> Safety: The Grand Parade pitches are situated on narrow pavement by the weir, bus stops and busy road traffic. This pavement is generally crowded with tourists admiring Pulteney Bridge, the weir, Parade Gardens and surrounding architecture. These tourists are inevitably distracted by taking photographs of each other and the view. The road traffic is constant and the bus stops in frequent use with people descending and waiting. The siting of any food stall in this vicinity will cause even more congestion as well as force people onto the roadway to avoid a crush. With a constant flow of traffic this poses an obvious safety threat.

> Litter: A street stall selling food is bound to increase litter of wrappings and discarded foodstuffs. The area would become unsightly even if extra bins and council cleaning were to be provided.

> Gulls: Hundreds of gulls frequent the weir and surrounding area. These gulls will be further attracted by any stall displaying foodstuff. The gulls are fearless and, as well as being fed by tourists, I have heard of two recent incidents of gulls stealing food from people. These latter incidents also cause distraction and a further threat to safety as people react.

Grand Parade should not be used for street stalls, especially selling food.

Dr Willm Mistral

To Cathryn Brown, Environmental Protection and Licensing Manager

ANNEX F

FROM: —

24 September 2018

Planning Application

re Bernard's Pitch, 28 Grand Parade

Received

27 SEP 2018

Bath And North East
Somerset Council

I write to lodge an objection to the proposal to position a trailer to sell rolls/baps/drinks on the grounds that:—

- i) Grand Parade, and in particular the view from it of Pulteney Bridge and the river and ~~Weir~~ Weir, are one of the most important places in the City of Bath and should be kept as clear as possible. A stall selling food would be very unightly and detrimental to the outstanding beauty of this unique setting.
- 2) Inevitably such a stall would often be surrounded by customers waiting to purchase from it — and this would hamper the free flow of pedestrians along the pavement and the taking of photographs by tourists.
- 3) The stall and what it would sell ~~with~~ ^{would} create a very ~~up~~ unpleasant smell and would add to the problem of litter. It would also attract unwelcome visits from seagulls and other birds.

As a nearby resident, and a Council Tax payer, I strongly urge that this application be refused.

Ian Nash

From: Licensing
Sent: 01 October 2018 07:40
To: Ian Nash
Subject: FW: Objection To Bernards L.Ref 18/02174/STTRAD

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

From: John East
Sent: 29 September 2018 14:56
To: Licensing
Subject: Objection To Bernards L.Ref 18/02174/STTRAD

To Ian Nash
Banes Licensing

Dear Mr Nash

Firstly I would like to make several points in relation to the situation in Grand Parade during the past two years.

Living in the building opposite to Pitches 28 and means I am affected by both stalls to a greater or lesser degree. The ice cream stall at Pitch has not been a significant concern as it is small, it is only there when they are trading and does not seem to create significant litter or other issues.

The same largely applied to the Lemonade Stall in 2017. However since then the situation has changed. In 2018 what has been notable is that Pitch 28 is occupied by a disused trailer for the majority of the day and night as they no longer move it away outside of their trading hours.

On 24th September 2018 some time after the stall apparently closed for the season, they finally moved the trailer after driving their car/van onto the footpath in order to do so (last year they always pulled the trailer to the road by hand). Almost immediately people were seen to stand in this space to enjoy the outlook as they do right along Grand Parade and the spacious feel of this popular Promenade returned.

I am not clear from the list of Standard Conditions whether a stall has to be removed when not in operation. In any case it is an understatement to say that the sight of a trailer left on the footpath for hours, days or weeks is aesthetically displeasing especially bearing in mind that the City of Bath is a World Heritage Site and is frankly unacceptable.

Regarding Point 16 of the Standard Conditions, it seems to be their practice that on closure of the Lemonade Stall, excess fluids are poured into the street drain.

I realise that the current application involves different names.

My objections to the current licence application 18/02174/STTRAD are as follows:

- 1) The possible continuation of the above practice of leaving a trailer, possibly an even larger one, on the footpath when not in use.
- 2) The proposed operation of this stall before 10 am in what is effectively a residential area, having a considerable number of elderly and very elderly people living opposite who would be disturbed early in the morning by its

operation with the setting up, bringing of supplies and having cars and larger vehicles possibly parking illegally whilst the occupants obtain refreshments.

3) The ambience of Grand Parade which is an extremely popular promenade for visitors from all over the world as well as residents of this World Heritage City would be adversely affected by such a stall which would be more appropriately sited in a lay-by near a busy country highway where parking is available and where drivers might benefit from a break.

4) At busy times, the large groups which are often on Grand Parade would be very much impeded by the substantial size of this stall.

5) The likelihood of considerably increased litter from a stall of this type and the reversal of any reduction in the seagull problem.

6) Cooking smells and noise which would adversely affect residents opposite.

I have come to the conclusion that Grand Parade can reasonably only cope with one or two very small stalls similar to that selling ice creams which currently operates.

I appreciate your consideration.

Yours sincerely,

John G East

OBJECTION TO APPLICATION Ref 18/02174/STTRAD**BERNARDS PITCH 28 GRAND PARADE, BATH**

We overlook the site of this pitch and have been monitoring the use of the pavement and general area over several days and would now like to object to the application for the following reasons:

- This pitch is badly located since it is on a prestigious route for tourists which provides them with one of the prime viewing areas in Bath. Nothing should be allowed to interfere with its ambiance or the amenity of the location e.g. would permission be given to allow bacon rolls to be sold from a stall in Royal Crescent?
- The pavement space is already very congested at times with bus queues, pedestrians, sightseers and visitors and equipment entering and exiting Parade Gardens. We fear there is a public safety issue to consider should there be any over-spill, especially given the width of the pavement in places and the heavy traffic in this overcrowded area.
- The proposal to operate such a stall from 06.00 every day is completely insensitive to the needs and amenities of nearby residents who will be affected by the nuisance of noise and odours right under their windows. It will also add extra rubbish over and above that already regularly discarded on the pavements.
- The hours proposed do not in any way mirror premises trading hours in the immediate vicinity and the goods being sold will only take away custom from similar established premises-based rent and rate paying businesses nearby.

Mark and Judith Rutherford

7 October 2018

Subject: FW: Objection to street trader application for site no. 28 Grand Parade. Bath

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

From: Mary Godfrey [mailto: Sent: 09 October 2018 16:17

To: Licensing

Subject: Objection to street trader application for site no. 28 Grand Parade. Bath

I wish to object to the above application on several grounds.

- 1) It includes a large structure which will cause congestion on an already. busy pavement.
- 2) Fast food tends to generate waste and litter.
- 3) Grand Parade is a street of great interest to tourists who are unlikely to enjoy having their senses assailed by the strong smell of bacon cooking, however tasty the finished product is.
- 4) The gulls who are a menace already in Grand Parade, are likely to be attracted in even greater numbers.

Mary Godfrey.