

Licensing Sub-Committee

Date: Thursday, 6th December, 2018

Time: 10.00 am

Venue: Kaposvar Room - 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.



Sean O'Neill

Democratic Services

Lewis House, Manvers Street, Bath, BA1 1JG

Telephone: 01225 395090

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

E-mail: Democratic_Services@bathnes.gov.uk

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. We request that those filming/recording meetings avoid filming public seating areas, children, vulnerable people etc; however, the Council cannot guarantee this will happen.

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

4. **Public Speaking at Meetings**

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

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

5. **Emergency Evacuation Procedure**

When the continuous alarm sounds, you must evacuate the building by one of the designated exits and proceed to the named assembly point. The designated exits are signposted. Arrangements are in place for the safe evacuation of disabled people.

6. **Supplementary information for meetings**

Additional information and Protocols and procedures relating to meetings

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

Licensing Sub-Committee - Thursday, 6th December, 2018

at 10.00 am in the Kaposvar Room - Guildhall, Bath

A G E N D A

1. EMERGENCY EVACUATION PROCEDURE

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

2. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

3. DECLARATIONS OF INTEREST

At this point in the meeting declarations of interest are received from Members in any of the agenda items under consideration at the meeting. Members are asked to indicate:

(a) The agenda item number in which they have an interest to declare.

(b) The nature of their interest.

(c) Whether their interest is **a disclosable pecuniary interest** *or* **an other interest**,
(as defined in Part 2, A and B of the Code of Conduct and Rules for Registration of Interests)

Any Member who needs to clarify any matters relating to the declaration of interests is recommended to seek advice from the Council's Monitoring Officer or a member of his staff before the meeting to expedite dealing with the item during the meeting.

4. TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

5. MINUTES: 25 OCTOBER 2018 (Pages 5 - 10)

6. TAXI VEHICLE PROCEDURE (Pages 11 - 14)

The Chair will, if required, explain the procedure to be followed for the next two items of business.

7. CONSIDERATION OF VEHICLE SUITABILITY TO BE LICENSED AS A PRIVATE HIRE VEHICLE (Pages 15 - 44)

8. CONSIDERATION OF VEHICLE SUITABILITY TO BE LICENSED AS A PRIVATE

HIRE VEHICLE (Pages 45 - 76)

9. LICENSING ACT PROCEDURE (Pages 77 - 80)

The Chair will, if required, explain the licensing procedure.

10. APPLICATION FOR A PREMISES LICENCE FOR PUB IN THE PARK, ROYAL VICTORIA PARK, MARLBOROUGH LANE, BATH BA1 2NQ (Pages 81 - 126)

11. STREET TRADING PROCEDURE (Pages 127 - 130)

The Chair will, if required, explain the procedure to be followed for the next item of business.

12. APPLICATION TO CREATE A STREET TRADING PITCH (141-148) - NEW ORCHARD STREET BATH (Pages 131 - 158)

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

BATH AND NORTH EAST SOMERSET COUNCIL

LICENSING SUB-COMMITTEE

Thursday, 25th October, 2018, 10.00 am

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

Officers in attendance: Carrie-Ann Evans (Deputy Team Leader (Barrister)), Ian Nash (Public Protection Officer (Licensing)) and Lauren Latta (Public Protection Technical Officer)

17 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer advised the meeting of the procedure.

18 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were none.

19 DECLARATIONS OF INTEREST

There were none.

20 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was none.

21 MINUTES: 24 SEPTEMBER 2018 AND 11 OCTOBER 2018

The minutes of the meetings of the 24th September 2018 and the 11th October 2018 were approved as a correct record and signed by the Chair.

22 STREET TRADING PROCEDURE

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

23 APPLICATION FOR A STREET TRADING PITCH (28), GRAND PARADE, BATH

Applicant: Thomas Dollar and Rebecca Paisley trading as “Bernard’s”

Objectors: Mrs A Robins, Dr W Mistral, Mrs J Mistral, Mr M Rutherford

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

The Public Protection Officer presented the report.

Ms Paisley and Mr Dollar stated the applicant’s case. Ms Paisley said that the application was to sell food and beverages from 06:00. She did not think that their van would cause obstruction, because the pavement is fairly wide at that point. They were aware that there were a lot of tourists in that part of the city and wished their

business to be considered an asset. She submitted that pitch 28 was separated by the road from the residential area. Any kind of hot food business gives rise to aromas, but the van would be in a fully open location and smells would be dispersed. Chips would not be sold. Objectors had expressed concern about noise, but cooking would be by gas, and there would be no electric generator. Trading would cease at 16:00, so late-night revellers would not be congregating around the van. All packaging and cups would be recyclable. Food provided would include bacon and other sandwiches, filled rolls, cakes, soup, coffee, hot chocolate and water. There would be vegetarian and vegan options.

In reply to questions from Members, Ms Paisley and Mr Dollar stated:

- There would be a waste water container, and slops left in cups would be emptied into it and removed from the site.
- They would be prepared to amend their starting hour from 06:00. They would like to begin early enough to serve people going to work, and would accept 08:00 as the start time.
- It would take about 30 minutes to set up before the start of trading and about the same time to pack up at the end of the day.
- The van does not have an extractor for cooking smells. This would not be very helpful as an extractor would have to have an outlet to the street any way. The van has two vents. There are already restaurants and other premises selling hot food and producing smells in the vicinity. They thought it unlikely that smells emanating from their van would be detectable in the residential properties on the other side of the road.

Mrs Robins stated the case for the objectors. She said that objectors were concerned about the health and safety implications of this application. There are frequent traffic jams on the road in the morning, and buses are picking up and setting down passengers throughout the day. Passing drivers might be tempted to stop their cars in order to buy from the van, adding to congestion. The pavement near the pitch was only 14 feet wide, so that people would have to pass it in single file. There was also a danger of customers of Bernard's stepping out into the road. There were two trees and a large Council waste receptacle nearby. People lingered to admire the view and take photos. The smell from onions cooking could be very penetrating and could cause nuisance. She submitted that the application was in conflict with the Council's street trading policy, as within 100-200 metres of the van there would be other premises selling food and drinks, so Bernard's would not be complementary to them. She expressed concern about gulls being attracted, undermining the Council's efforts to reduce nuisance from gulls. She suggested that the proposed time for the start of trading of 06.00 was far too early, and that if the application were to be granted, it should be with a start time of 08:00.

The Parties were invited to sum up.

Mrs Robins said that trading from the van would impact on the ability of pedestrians to move up and down the pavement. However, the main objective of the objectors

was to protect the character of Grand Parade. She felt that the application would have an unfair impact on residents.

Ms Paisley said that the applicant had originally applied for pitch 29, which they had been granted, but had later been told that that pitch was no longer available after they had paid the fee for it. They had then applied for pitch 28 and had been surprised when objections from the public had been received. Mr Thomas said that the footprint of the van was very small, and that he could not see how it would cause obstruction.

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 Street Trading Consent at existing pitch 28 Grand Parade. This application is made by Bernard's who propose to sell bacon rolls, filled baps, teas, coffees and cold drinks from a smart and small trailer every day from 6am to 4pm. In determining the application members have taken into account the Local Government (Miscellaneous Provisions) Act 1982, the Council's Policy on Street Trading and the Human Rights Act 1998.

The Applicant

Ms Paisley on behalf of her business Bernard's, indicated having considered the representations that they consider some of them to be reasonable. For example, they do not wish to cause any early morning disturbance and would be willing to start later than the 6am originally proposed. In addressing concerns raised by objectors Ms Paisley indicated that she does not think the trailer would cause an obstruction and said she would discourage her customers from feeding gulls. She explained that bins would be provided for litter and that they would encourage recycling. In relation to food smells she noted that any food trading in the city would cause some kind of aroma but she does not perceive an issue in this area. In terms of the business offering she said it would be good English takeaway food including vegan and vegetarian options and they want to be a friendly business and an asset for the area. Ms Paisley indicated that they would not be using a generator so that there would be no noise running from that.

In questions from members the applicants confirmed that they would be willing to amend their start time to start trading at 8am with set up from 7am.

The Interested Parties

A written objection to the application was submitted on behalf of the Empire Owner's Committee which represents the 43 apartments in the Empire. In broad terms, the objection related to impact on or from architectural beauty; crowded pavements; litter and smell; gulls and health and safety. Specific concerns were raised related to the proposed operating hours and impact on residents of the proposed early start at 6am and the smell emanating from the hot food.

Mrs Robins on behalf of the Empire Owner's Committee and as representative speaker of the objectors amplified the written representations by making oral

submissions to the Committee. She indicated that in their view the application is in conflict with much of the Street Trading Policy. She referred to the early start time proposed which she said was insensitive to the needs of residents and may attract passing cars and referred to the anticipated noise associated with those vehicles stopping and starting. She asked that trading not start before 8am with delivery of the trailer no more than 15 minutes prior to that. Mrs Robins expressed concerns about how and when the trailer would be removed. In relation to the policy expectation that the proposal would complement premises-based trading, Mrs Robins referred to a nearby pitch at Bog Island and the Guildhall Market and submitted that the proposal would not complement these. Mrs Robins queried how healthy bacon was and the smells that would emanate from the food preparation. Mrs Robins expressed the view that the proposal would result in 2/3 of pedestrian space on the pavement being lost and raised concerns about safety and members of the public stepping out into the road. When questioned by members however, she accepted that there had not been any issues of this nature from a stall that had occupied this pitch.

In summary, Mrs Robins indicated that the days and hours of trading should not be allowed. She cited concerns regarding the safety and general inconvenience as well as the perceived impact of the colour and presence of this trailer on the setting of the World Heritage Site which she said would be a harmful intrusion on the views that people experience both residents and visitors.

6 other interested parties made written representations and raised concerns related to the aesthetics of a hot food stall in this important historical and architectural site; the food smells and litter; the potential for crowding around the stall; the risk of attracting gulls and other birds; the potential to disturb residents early in the morning with operating hours which they submitted, do not mirror premises' trading hours in the vicinity.

Consultees

There had been no representations from consultees such as Environmental Services, Development Control or Highways Services.

Members

Members were careful to only take into account matters of relevance and to disregard matters which were irrelevant. Members were mindful of the fact that they had to determine the application in accordance with the current legislative framework and with regard to the policy and noted that the principle of a pitch in this location had already been established.

Members noted that there had been no objection to the application from the Highways Team or Environmental Services.

In reaching a decision Members took account of all the relevant oral and written representations and balanced the competing interests of the applicant and the interested parties.

Whilst they weighed in the balance the objections raised by the Empire Owners Committee and 6 other interested parties they found, in the exercise of their

discretion, that the proposed use of the pitch would provide vibrancy and interest to the local environment and that they had the scope within the Policy to consider the goods to be sold on a pitch by pitch basis and that street trading is an opportunity for small businesses to establish themselves and grow.

Members noted that there would be standard conditions to prevent obstruction of the street and danger to persons using it, as well as a number of conditions related to the prevention of nuisance or other annoyance, amongst other conditions.

Accordingly, Members saw fit to grant the street trading consent subject to the standard and specific conditions with one specific condition amended as follows:

- Trading times to be amended from 06:00 to 16:00 to 07:00 to 16:00

Members considered this amendment to be appropriate and proportionate in the exercise of their discretion.

Authority delegated to the Public Protection Officer to grant the consent subject to the Standard Conditions and with the additional specific conditions (as amended) such as are reasonable and necessary.

The meeting ended at 11.25 am

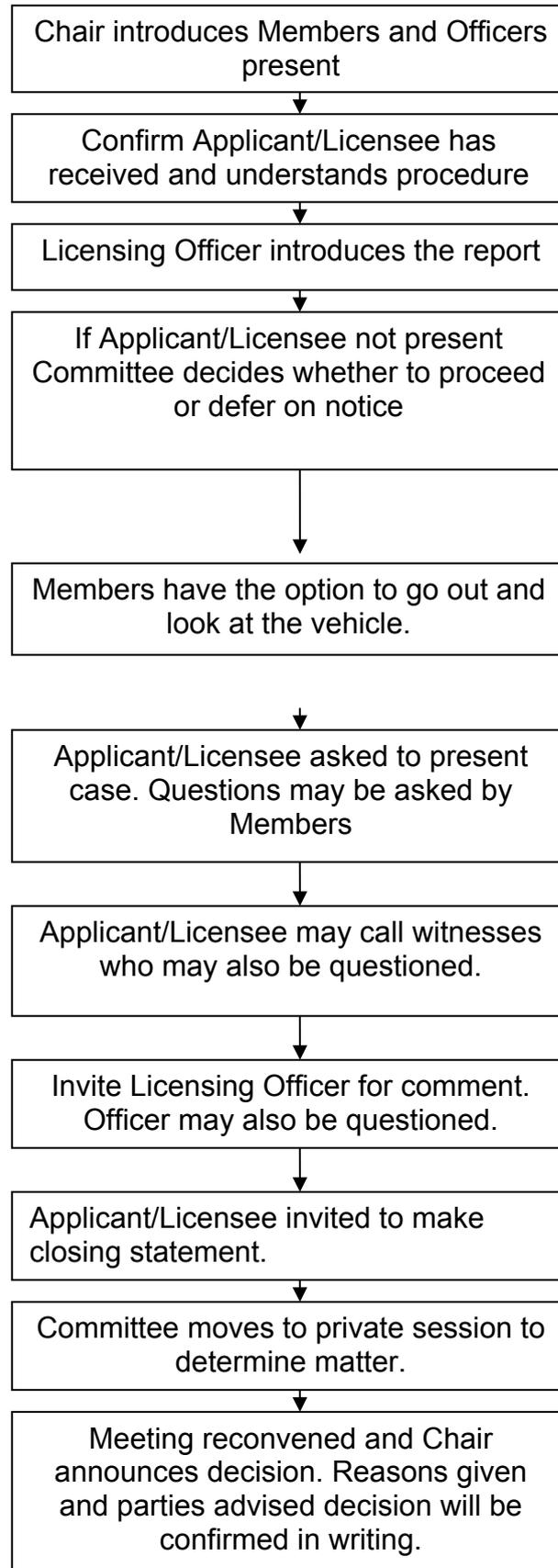
Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services

This page is intentionally left blank

**LICENSING SUB-COMMITTEE
HACKNEY CARRIAGE (TAXI) AND
PRIVATE HIRE PROPRIETORS LICENCE PROCEDURE**



This page is intentionally left blank

**Licensing Sub-Committee
Hackney Carriage and Private Hire
Proprietors' Hearing Procedure**

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

Updated November 2013

PLEASE NOTE:

- Where the Committee considers it necessary the procedure may be varied.
- In circumstances where a party fails to attend the Committee will consider whether to proceed in absence or defer to the next meeting. Should a matter be deferred the deferral notice will state that the matter may proceed in a party's absence on the next occasion. In deciding whether to proceed all notices, communications and representations will be considered.
- Only in **exceptional circumstances** will the Committee take account of additional late documentary or other information and will be at the discretion of the Chair and on notice to all the other parties. No new representations will be allowed at the hearing.
- The Committee will disregard all information or representations considered irrelevant.
- The hearing will take the form of a discussion. The Committee will allow parties to the proceedings to ask questions. Formal cross examination will be discouraged and, should it be necessary, supplementary questions limited to clarification purposes.
- Parties will be allowed an equal amount of time to present their cases. Whilst time limits are at the discretion of the Chair, 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 any person behaving in a disruptive manner leave the hearing and refuse that person to return, or only to return subject to conditions. An excluded person however is entitled to submit the information they would have been entitled to present had they not been required to leave.
 - 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 on the grounds set out in the Local Government Act 1972 Schedule 12 (a). In those circumstances reasons for such decisions will be given.
 - If any person has special needs regarding access, hearing or vision, this should be brought to the Licensing Authority's attention prior to the hearing in order that reasonable adjustments can be made.

Bath & North East Somerset Council		
MEETING/ DECISION MAKER:	Licensing Sub-Committee	
MEETING DATE:	Thursday 6th December 2018	EXECUTIVE FORWARD PLAN REFERENCE:
TITLE:	CONSIDERATION OF VEHICLE SUITABILITY TO BE LICENSED AS A PRIVATE HIRE VEHICLE – Mr AN	
WARD:	ALL	
OPEN PUBLIC SESSION		
<p>List of attachments to this report:</p> <p>Annex A – Application Form.</p> <p>Annex B – Standard Private Hire Vehicle Licence Conditions.</p> <p>Annex C - Policy on Hackney Carriage and Private Hire Licensing Standards.</p>		

1 THE ISSUE

- 1.1 This report invites the Licensing Sub-Committee to consider whether or not a vehicle that is over 5 years old is suitable to be licensed as a private hire vehicle.
- 1.2 The policy adopted by the Council requires each application be dealt with on its own merits and where applications fall outside the general policy they should be referred to the Licensing Sub-Committee for determination.
- 1.3 The policy adopted by the Council requires that the vehicle shall normally be less than 5 years old when first licensed by the Council. Any vehicle presented for licensing which is older than 5 years at the date of the application will be referred to the relevant Council Licensing Sub-Committee for determination.

2 RECOMMENDATION

- 2.1 That the Sub-Committee determine the issue.

3 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

3.1 There are no resource implications arising from this report. There is a non-refundable fee of £111 for this application.

4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL

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

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

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

(a) that the vehicle is-

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

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

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

4.5 In January 2014 the Council's Licensing Committee adopted the current policy on Hackney Carriage and Private Hire Licensing Standards –Drivers, Vehicles and Operators. (The Policy is produced at Annex C).

4.6 In January 2014 the Council's Licensing Committee adopted a set of standard licence conditions applicable to all Private Hire vehicle licenses issued in Bath & North East Somerset. (The conditions are produced at Annex B)

5 THE REPORT

- 5.1 The applicant applied for the grant of a Private Hire vehicle licence on the 26th September 2018. (A copy of the application form is produced at Annex A).
- 5.2 The application is for a Skoda Superb which was first registered on the 27th April 2012. At the time of application the vehicle was 6 years and five months old.
- 5.3 The current policy on Hackney Carriage and Private Hire Licensing Standards – Drivers, Vehicles and Operators states “*That all vehicles will normally be less than five years old when first licensed*”.
- 5.4 The standard conditions attached to the grant of a Private Hire Vehicle licence state “*The vehicle shall normally be less than five years old when first licensed by the Council. Any vehicle presented for licensing which is older than 5 years at the date of application will be referred to the relevant Council Licensing Sub-Committee for determination*”.
- 5.5 The vehicle was previously licensed as a Private Hire vehicle with this authority from the 5th February 2014 until the 17th May 2018.
- 5.6 On the 17th May 2018 the applicant replaced this vehicle with a newer vehicle registered in 2018 and the Skoda Superb ceased to be licensed with this authority. However, the applicant wishes to re-licence the Skoda Superb so that it can continue to be used as a private hire vehicle.
- 5.7 At the time of writing this report the vehicle has covered 147,136 miles according to an MOT certificate issued on the 3rd September 2018.
- 5.8 The vehicle will be available for inspection by members on the day of the meeting should they so wish.

6 RATIONALE

- 6.1 Each application for a licence will be considered on its own merits and in line with the current Policy on Hackney Carriage and Private Hire Licensing Standards. This application is for a Private Hire vehicle licence in respect of a vehicle which cannot comply with the standard licence conditions attached to the grant of a Private Hire vehicle licence in B&NES. Consequently, this matter is referred to the Licensing Sub Committee for consideration.

7 OTHER OPTIONS CONSIDERED

- 7.1 None

8 CONSULTATION

8.1 The Council's Monitoring Officer (Director of Legal & Democratic) and Section 151 Officer (Director of Finance) and Information Governance Officer have all had the opportunity to input to this report and have cleared it for publication..

9 RISK MANAGEMENT

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

Contact person	John Dowding 01225 477689
Background papers	Licensing File
Please contact the report author if you need to access this report in an alternative format	

Access to Information Arrangements

Exclusion of access by the public to Council meetings

Information Compliance Ref: LGA 1958/18

Meeting / Decision: Licensing Sub-Committee

Date: Thursday 6th December 2018

Author: John Dowding

Report Title: CONSIDERATION OF VEHICLE SUITABILITY TO BE LICENSED AS A PRIVATE HIRE VEHICLE

Exempt Appendices:

Exempt Annex A – Application Form.

Exempt Annex B – Standard Private Hire Vehicle Licence Conditions.

Exempt Annex C - Policy on Hackney Carriage and Private Hire Licensing Standards.

The Report contains exempt information, according to the categories set out in the Local Government Act 1972 (amended Schedule 12A). The relevant exemption is set out below.

Stating the exemption:

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

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

PUBLIC INTEREST TEST

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

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

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

The following exemptions are engaged in respect to this report:

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

Exemptions 1 and 2 above must be considered in conjunction with the Principles of the Data Protection Act 2018 (DPA). It is considered that disclosure of the information in this report would breach the first principle of the DPA, which requires personal data to be fairly and lawfully processed. Further, as any information revealed by the Disclosure and Barring Service (DBS) check is likely to constitute sensitive personal data in terms of the DPA, this information cannot be disclosed by the Council without the explicit consent of the individual concerned.

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

Other factors in favour of disclosure include:

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

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

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

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

Document is Restricted

This page is intentionally left blank

Bath & North East Somerset Council		
MEETING/ DECISION MAKER:	Licensing Sub-Committee	
MEETING DATE:	Thursday 6th December 2018	EXECUTIVE FORWARD PLAN REFERENCE:
TITLE:	CONSIDERATION OF VEHICLE SUITABILITY TO BE LICENSED AS A PRIVATE HIRE VEHICLE – Mr PR	
WARD:	ALL	
OPEN PUBLIC SESSION		
<p>List of attachments to this report:</p> <p>Annex A – Application Form.</p> <p>Annex B – Standard Private Hire Vehicle Licence Conditions.</p> <p>Annex C - Policy on Hackney Carriage and Private Hire Licensing Standards.</p>		

1 THE ISSUE

- 1.1 This report invites the Licensing Sub-Committee to consider whether or not a vehicle that is over 5 years old is suitable to be licensed as a private hire vehicle.
- 1.2 The policy adopted by the Council requires each application be dealt with on its own merits and where applications fall outside the general policy they should be referred to the Licensing Sub-Committee for determination.
- 1.3 The policy adopted by the Council requires that the vehicle shall normally be less than 5 years old when first licensed by the Council. Any vehicle presented for licensing which is older than 5 years at the date of the application will be referred to the relevant Council Licensing Sub-Committee for determination.

2 RECOMMENDATION

- 2.1 That the Sub-Committee determine the issue.

3 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

- 3.1 There are no resource implications arising from this report. There is a non-refundable fee of £111 for this application.

4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL

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

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

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

(a) that the vehicle is-

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

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

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

- 4.5 In January 2014 the Council’s Licensing Committee adopted the current policy on Hackney Carriage and Private Hire Licensing Standards –Drivers, Vehicles and Operators. (The Policy is produced at Annex C).

4.6 In January 2014 the Council's Licensing Committee adopted a set of standard licence conditions applicable to all Private Hire vehicle licenses issued in Bath & North East Somerset. (The conditions are produced at Annex B)

5 THE REPORT

- 5.1 The applicant applied for the grant of a Private Hire vehicle licence on the 14th November 2018. (A copy of the application form is produced at Annex A).
- 5.2 The application is for a Peugeot 508 which was first registered on the 2nd May 2012. At the time of application the vehicle was 6 years and 6 months old.
- 5.3 The current policy on Hackney Carriage and Private Hire Licensing Standards – Drivers, Vehicles and Operators states “*That all vehicles will normally be less than five years old when first licensed*”.
- 5.4 The standard conditions attached to the grant of a Private Hire Vehicle licence state “*The vehicle shall normally be less than five years old when first licensed by the Council. Any vehicle presented for licensing which is older than 5 years at the date of application will be referred to the relevant Council Licensing Sub-Committee for determination*”.
- 5.5 The vehicle was previously licensed as a Private Hire vehicle with this authority from the 25th November 2016 until the 31st October 2018.
- 5.6 All Private Hire Vehicle licenses issued in Bath & North East Somerset expire on the 31st October.
- 5.7 .Renewal letters were sent to all Private Hire vehicle licensees in the first week of September 2018 inviting them to telephone the licensing team to make an appointment to renew their licence before the expiry date of the 31st October.
- 5.8 Whilst the applicant had arranged a number of appointments to renew this licence these were subsequently cancelled by the applicant. Accordingly the deadline for renewing this vehicle's Private Hire Vehicle license passed meaning the application must be treated as a new application.
- 5.9 According to information on the GOV.UK Check MOT website the applicants' vehicle was first presented for MOT test on the 29th October 2018 and failed. At the time the vehicle received its MOT Test certificate the recorded vehicle mileage was 138,522.
- 5.10 The application must be treated as a new application as the vehicle falls outside of the current council policy in relation to the age of vehicles.
- 5.11 The vehicle will be available for inspection by members on the day of the meeting should they so wish.

6 RATIONALE

- 6.1 Each application for a licence will be considered on its own merits and in line with the current Policy on Hackney Carriage and Private Hire Licensing Standards. This application is for a Private Hire vehicle licence in respect of a vehicle which cannot comply with the standard licence conditions attached to the

grant of a Private Hire vehicle licence in B&NES. Consequently, this matter is referred to the Licensing Sub Committee for consideration.

7 OTHER OPTIONS CONSIDERED

7.1 None

8 CONSULTATION

8.1 The Council's Monitoring Officer (Director of Legal & Democratic) and Section 151 Officer (Director of Finance) and Information Governance Officer have all had the opportunity to input to this report and have cleared it for publication..

9 RISK MANAGEMENT

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

Contact person	John Dowding 01225 477689
Background papers	Licensing File
Please contact the report author if you need to access this report in an alternative format	

This page is intentionally left blank

Access to Information Arrangements

Exclusion of access by the public to Council meetings

Information Compliance Ref: LGA 1960/18

Meeting / Decision: Licensing Sub-Committee

Date: Thursday 6th December 2018

Author: John Dowding

Report Title: CONSIDERATION OF VEHICLE SUITABILITY TO BE
LICENSED AS A PRIVATE HIRE VEHICLE

Exempt Appendices:

Exempt Annex A – Application Form.

Exempt Annex B – Standard Private Hire Vehicle Licence Conditions.

**Exempt Annex C - Policy on Hackney Carriage and Private Hire
Licensing Standards.**

The Report contains exempt information, according to the categories set out in the Local Government Act 1972 (amended Schedule 12A). The relevant exemption is set out below.

Stating the exemption:

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

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

PUBLIC INTEREST TEST

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

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

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

The following exemptions are engaged in respect to this report:

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

Exemptions 1 and 2 above must be considered in conjunction with the Principles of the Data Protection Act 2018 (DPA). It is considered that disclosure of the information in this report would breach the first principle of the DPA, which requires personal data to be fairly and lawfully processed. Further, as any information revealed by the Disclosure and Barring Service (DBS) check is likely to constitute sensitive personal data in terms of the DPA, this information cannot be disclosed by the Council without the explicit consent of the individual concerned.

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

Other factors in favour of disclosure include:

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

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

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

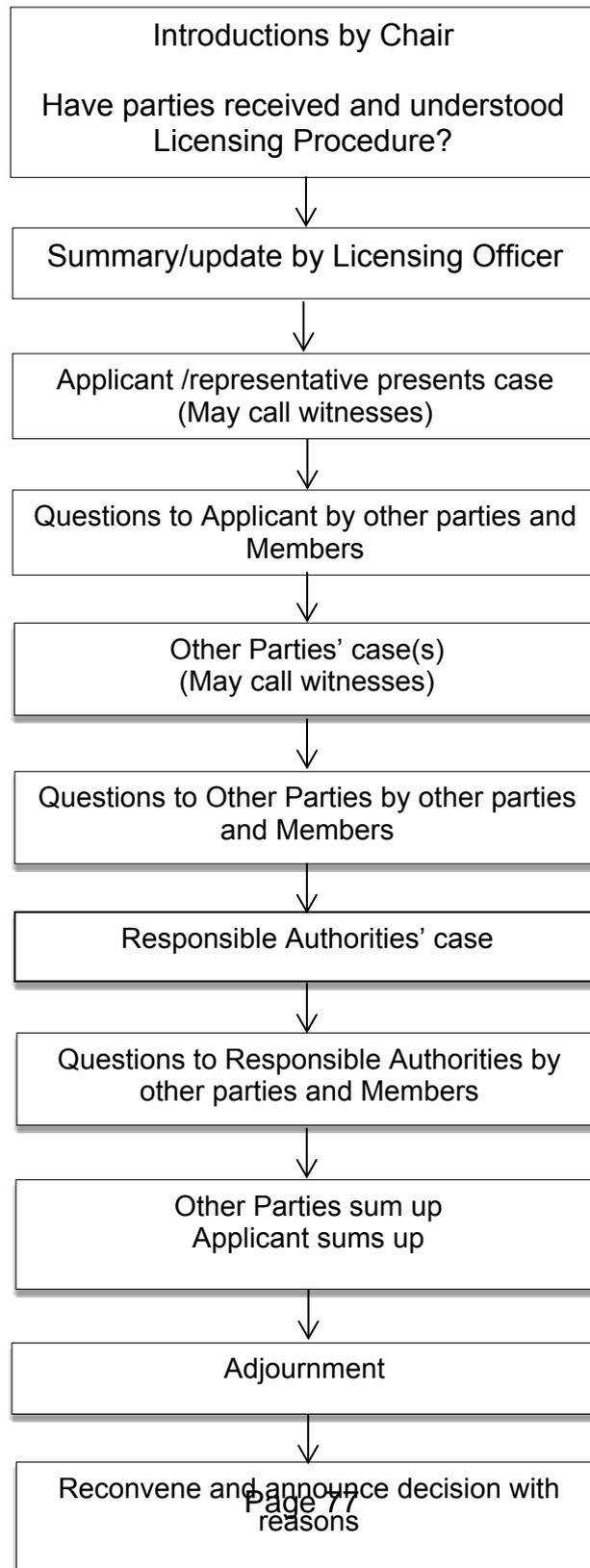
By virtue of paragraph(s) 1, 2, 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

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

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



This page is intentionally left blank

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

PLEASE NOTE:

- Where the Sub-Committee considers it necessary to do so, it may vary this procedure.
- In circumstances where a party fails to attend the Committee will consider whether to proceed in absence. Should a matter be deferred the deferral notice will state that the matter may proceed in a party's absence on the next occasion. In deciding whether to proceed all notices, communications and representations will be considered.
- Only in **exceptional circumstances** will the Committee take into account any additional late documentary or other information produced by an existing party in support of their application/representation. This will be at the discretion of the Chair and with the agreement of all the other parties. No new representations will be allowed at the hearing.
- The hearing will take the form of a discussion and parties will be able to ask questions as set out above. However, formal cross examination will be discouraged.
- The Authority will disregard any information or representation given by a party which is not relevant to the Application and the Licensing Act 2003.
- Where there is more than one party making relevant representations the time allocated will be split between those parties.
- Where several parties are making the same or similar representations it is suggested that one representative is appointed to avoid duplication and make efficient use of the allocated time.
- Where an objection is made by an association or residents group, a duly authorised person – as notified to the Licensing Authority – may speak on behalf of that association or group.
- The Chair may request that persons behaving in a disruptive manner should leave the hearing and their return refused, or allowed subject to conditions. An excluded person is however, entitled to submit the information they would have been entitled to present had they not been excluded.

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

Bath & North East Somerset Council		
MEETING:	Licensing Sub Committee	AGENDA ITEM NUMBER
MEETING DATE:	Thursday 6 December 2018	
TITLE:	Application for a Premises Licence for Pub In the Park, Royal Victoria Park, Marlborough Lane, Bath, BA1 2NQ	
WARD:	Weston	
AN OPEN PUBLIC ITEM		
<p>List of attachments to this report:</p> <p>Annex A Application for a new premises licence</p> <p>Annex B Plan of licensed premises and site plan</p> <p>Annex C Representations received from Other Persons</p>		

1 THE ISSUE

1.1 An application has been submitted by Brand Events TM Ltd under s.17 Licensing Act 2003 in respect of an annual premises licence for Pub In the Park, Royal Victoria Park, Marlborough Lane, Bath, BA1 2NQ.

2 RECOMMENDATION

2.1 That the Sub Committee determines this application.

3 RESOURCE IMPLICATIONS

3.1 The costs of processing licences are covered by the fees charged. The fee for this application is £100.00.

4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL

4.1 An Equality Impact Assessment (EqIA) has been completed. No adverse or other significant issues were found.

4.2 Consideration must be given to the Human Rights Act 1998 and the "convention rights".

4.3 The Sub Committee have been delegated authority to determine the application on behalf of the Licensing Authority in accordance with the Licensing Act 2003.

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

5 THE REPORT

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

5.2 The application proposes the following licensable activities:

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

Friday 17:00 – 22:45

Saturday 11:00 – 22:45

Sunday 11:00 – 22:00

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

Friday 17:00 – 22:45

Saturday 11:00 – 22:45

Sunday 11:00 – 22:00

- 3) Regulated Entertainment by way of the performance of **Live Music**, outdoors only:

Friday 17:00 – 22:45

Saturday 11:00 – 22:45

Sunday 11:00 – 22:00

- 4) Regulated Entertainment by way of the **Exhibition of Film**, indoors and outdoors only:

Friday 17:00 – 22:45

Saturday 11:00 – 22:45

Sunday 11:00 – 22:00

- 5) Regulated Entertainment by way of the **Performance of Dance**, outdoors only:

Friday 17:00 – 22:45

Saturday 11:00 – 22:45

Sunday 11:00 – 22:00

6) **Anything of a similar description to the Performance of Dance, Live and Recorded Music, outdoors only:**

Friday	17:00 – 22:45
Saturday	11:00 – 22:45
Sunday	11:00 – 22:00

7) **Hours the premises are open to the public:**

Friday	17:00 – 22:45
Saturday	11:00 – 22:45
Sunday	11:00 – 22:00

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

- The Premises Licence shall be restricted to one 3-day event per calendar year;
- Key Date 1 No later than **6 months** prior to the proposed dates of the event taking place, the Premises Licence Holder shall notify all Responsible Authorities and SAGE of their intention to hold the event and the proposed date(s) it is to be held;
- Key Date 2 No later than **120 days** prior to the event taking place, the Premises Licence Holder shall consult with Bath & North East Somerset Council Highways and Police with regard to his proposals for traffic management, security and stewarding;
- Key Date 3 No later than **90 days** prior to the event taking place the Premises Licence Holder shall submit draft copies of the Event Management Plan to SAGE for consultation;
- Key Date 4 No later than **35 days** prior to the event taking place:

the Premises Licence Holder will submit final copies of the event management plan and any subsequent changes must immediately be brought to the attention of SAGE; and

the Premises Licence Holder will submit a noise management plan to the Environmental protection team who will agree in writing of their approval;
- Key Date 5 During the week immediately prior to the event and if requested to do so the Premises Licence Holder shall provide access to the event site to any member of SAGE or other Responsible Authority for the purposes of a site inspection and confirmation of compliance with the Event Safety Management Plan.

- Engagement of competent and experienced security company who shall provide a detailed crowd management plan depending on the size and nature of the event.
- Provision of event control operation to oversee the safe management of the event and to co-ordinate resources and contingencies in the event of an incident.
- Provision of competent and experienced stewarding and security personnel.
- Provision of SIA accredited staff at key points to carry out specific jobs, namely bar areas, eviction etc.
- Remove any items of contraband from patrons and agree chain of custody with local police.
- Advance liaison with police to identify any trends/intelligence which may surround a particular group or audience profile.
- A list of all persons evicted from the event site will be logged and handed over to the police if required.
- PitP has produced specific Alcohol and Drugs policies. These will be communicated out to all relevant staff.
- No under 16's are permitted on site without a responsible adult.
- No under 16's shall work at the licensed site unless a suitable and sufficient Risk Assessment has been carried out and all control measures effectively implemented.
- Provision of DBS accredited personnel on site.
- Challenge 21 rule for the sale of alcohol shall be adopted for the event.
- Any films shown shall have appropriate age certification or theatre shows etc. with adult content will be clearly advertised.
- Any persons believed to be drinking under-age shall be intercepted by security personnel and alcohol disposed of.

5.3 The proposed licensed area and site plan is attached at Annex B.

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

- a) The Prevention of Crime and Disorder;
- b) Public Safety;

- c) The Prevention of Public Nuisance; and
- d) The Protection of Children from Harm.

Each objective is of equal importance. As there are no other licensing objectives, these four are of paramount consideration at all times. When considering applications, representations or notifications, the Licensing Authority will have regard to these licensing objectives.

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

5.11 **Eight representations** have been received within the statutory period from “other persons”, comprising of local residents, residents’ associations and councillors, expressing concern that the applicant’s proposals will undermine the Prevention of Public Nuisance Licensing objective and in some representations, that the proposals are likely to undermine the Protection of Children from Harm licensing objective (Annex C).

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

6. RATIONALE

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

7 OTHER OPTIONS CONSIDERED

7.1 None.

8 CONSULTATION

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

9 RISK MANAGEMENT

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

10 ADVICE SOUGHT

10.1 The Council’s Monitoring Officer (Head of Legal & Democratic Services and Council Solicitor), section 151 Officer (Director of Finance) and Head of Building Control and Public Protection have had the opportunity to input to this report and have cleared it for publication.

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

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

WE Brand Events TM Ltd

(Insert name(s) of applicant)

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

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description Pub in the Park Royal Victoria Park Marlborough Lane			
Post town	Bath	Postcode	BA1 2NQ
Telephone number at premises (if any)			
Non-domestic rateable value of premises		£0	

Part 2 - Applicant details

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

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

Environmental Services
22 OCT 2018
Page 87
Receipt No.....
CH / CA / DC / CC - £.....

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

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

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a statutory function or
- a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

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

SECOND INDIVIDUAL APPLICANT (if applicable)

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

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

DD	MM	YYYY

This premise license is only for the event Pub in the Park which is an annual event held at Royal Victoria Park in Bath.

The space is open park space. Consists of open grassland, established flora, pathways and woodland.

Entertainment facilities will take the form of temporary installations built specifically for the Pub in the Park (PitP) Event.

Licensed activity such as the sale of alcohol and music entertainment will take place predominantly from temporary demountable structures, within the event site. The sale and consumption of alcohol will take place both within these structures and to outside areas within the event site. The sale of alcohol for off site consumption will take place within the structures but retained from the customer to be collected at the end of each session

Such likely activities include bars, wine and craft ale tasting sessions, restaurant style operations and music stages.

Note; the premises license being applied for proposes a capacity of 4,999 persons on site at any one time. For clarity this includes all public, staff, contractors, chefs, performers and any other persons directly related to and specifically attending the PitP even, within the proposed footprint.

The license application is for an event to take place yearly and on an on-going basis.

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

4999

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

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

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

- | | |
|---|-------------------------------------|
| a) plays (if ticking yes, fill in box A) | <input type="checkbox"/> |
| b) films (if ticking yes, fill in box B) | <input checked="" type="checkbox"/> |
| c) indoor sporting events (if ticking yes, fill in box C) | <input type="checkbox"/> |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D) | <input type="checkbox"/> |
| e) live music (if ticking yes, fill in box E) | <input checked="" type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F) | <input checked="" type="checkbox"/> |
| g) performances of dance (if ticking yes, fill in box G) | <input type="checkbox"/> |
| h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) | <input type="checkbox"/> |

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

(B) OTHER APPLICANTS

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

Name Brand Events TM Ltd
Address 4 Vencourt Place London W6 9NU
Registered number (where applicable) 08742448
Description of applicant (for example, partnership, company, unincorporated association etc.) Company
Telephone number (if any)
E-mail address (optional) patrickt@brandevents.co.uk

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
01	06	2019

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

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

X

In all cases complete boxes K, L and M

A

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

B

Films Standard days and timings (please read guidance note 7)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	X
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 4)		
Tue					
Wed			State any seasonal variations for the exhibition of films (please read guidance note 5)		
Thur					
Fri	17:00	22:45	Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat	11:00	22:45			
Sun	11:00	22:00			

C

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

D

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

E

Live music Standard days and timings (please read guidance note 7)			Will the performance of live music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	X
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon					
Tue					
Wed			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 5)		
Thur					
Fri	17:00	22:45	<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat	11:00	22:45			
Sun	11:00	22:00			

F

Recorded music Standard days and timings (please read guidance note 7)			Will the playing of recorded music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	X
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon					
Tue					
Wed			State any seasonal variations for the playing of recorded music (please read guidance note 5)		
Thur					
Fri	17:00	22:45	Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat	11:00	22:45			
Sun	11:00	22:00			

G

Performances of dance Standard days and timings (please read guidance note 7)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	X
				Both	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 4)		
Tue					
Wed			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 5)		
Thur					
Fri	17:00	22:45	<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat	11:00	22:45			
Sun	11:00	22:00			

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
Mon.				Outdoors	X
				Both	<input type="checkbox"/>
Tue			Please give further details here (please read guidance note 4)		
Wed					
Thur			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 5)		
Fri	17:00	22:45			
Sat	11:00	22:45	Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sun	11:00	22:45			

I

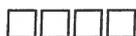
Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish	Both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

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (please read guidance note 8)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	X
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 5)		
Mon					
Tue					
Wed					
Thur					
Fri	17:00	22:45			
Sat	11:00	22:45			
Sun	11:00	22:00			
			Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 6)		

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

Name Patrick Toland	
Date of birth 04/09/82	
Address 88 Sheen Court North Sheen	
Postcode	TW10 5DF
Personal licence number (if known) LBWands/04998	
Issuing licensing authority (if known) Wandsworth Council	



K

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

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	
Mon			<p><u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 6)</p>
Tue			
Wed			
Thur			
Fri	17:00	22:45	
Sat	11:00	22:45	
Sun	11:00	22:00	

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

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

The Premises Licence shall be restricted to one 3-day event per calendar year.

Key Date 1 No later than 6 months prior to the proposed dates of the event taking place: -

- The Premises Licence Holder shall notify all Responsible Authorities and SAGE of their intention to hold the event and the proposed date(s) it is to be held.

Key Date 2 No later than 120 days prior to the event taking place: -

- The Premises Licence Holder shall consult with Bath and North East Somerset Council Highways and Police with regard to his proposals for traffic management, security and stewarding

Key Date 3 No later than 90 days prior to the event taking place: -

- The Premises Licence Holder shall submit draft copies of the Event Management Plan to SAGE for consultation

Key Date 4 No later than 35 days prior to the event taking place: -

- The Premises Licence Holder will submit final copies of the event management plan and any subsequent changes must immediately be brought to the attention of SAGE
- The premise licence holder will submit a noise management plan to the Environmental protection team who will agree in writing of their approval.

Key Date 5 During the week immediately prior to the event and if requested to do so: -

- The Premises Licence Holder shall provide access to the event site to any member of SAGE or other Responsible Authority for the purposes of a site inspection and confirmation of compliance with the Event Safety Management Plan.

All Events will be planned and managed by experienced professionals with a track record of large-scale outdoor public events and food event production.

- Carry out liaison and attendance at meetings as required with SAG representatives, enforcing agencies etc.
- Appropriate fencing will be installed around the event site perimeter to restrict access and to create safe working areas – as well as defining the limits of the licensed premises.
- Production of comprehensive risk assessments for each event and for the use of the licensed premise.
- Production of a schedule of all licensed activities.
- Collation and review of all necessary safety related documentation from third party suppliers.
- Production of detailed event safety management plan (ESMP).
- Entry to each event, regardless of type will be restricted to ticket / wristband access only.
- Numbers on site shall be regulated and monitored.
- Events shall all be given suitable lead time to ensure proper scheduling, appointment of reputable contractors etc.
- Provision of suitable food hygiene facilities such as hot and cold hand wash facilities, cold stores, food hygiene inspections, storage spaces, cleaning regimes, cleansing schedules and food management systems.
- Provision of sanitary facilities, hand-wash toilets etc in accordance with respective national guidance.
- Production of detailed site layout plan, showing clear ingress / egress routes, audience circulation areas, welfare, medical facilities etc.
- Establish clear method of communication between all key personnel on site in the event of a minor and major incident.
- Facilities shall be established for use by less abled patrons such as toilets and access routes.
- Designated parking areas shall be established and managed by experienced traffic management providers.
- To undertake site cleansing operations in order to manage litter on site and to provide staff, waste receptacles etc and to ensure a large build-up of waste on site is not permitted
- The organisers shall ensure that detailed contingency and cancellation policies and procedures are in place for each event.

b) The prevention of crime and disorder

Engagement of competent and experienced security company who shall provide a detailed crowd management plan depending on the size and nature of the event.

- Provision of event control operation to oversee the safe management of the event and to co-ordinate resources and contingencies in the event of an incident.
- Provision of competent and experienced stewarding and security personnel.
- Provision of SIA accredited staff at key points to carry out specific jobs, namely bar areas, eviction etc
- Remove any items of contraband from patrons and agree chain of custody with local police.
- Advance liaison with police to identify any trends / intelligence which may surround a particular group or audience profile.
- A list of all persons evicted from the event site will be logged and handed over to the police if required.
- PitP has produced specific Alcohol and Drugs policies. These will be communicated out to all relevant staff.

c) Public safety

- A general assessment of the site has been carried out and its suitability as a venue confirmed.
- There are numerous escape routes afforded throughout the event site and into places of relative safety.
- Enclosed venues shall be subject to specific fire risk assessments.
- Engagement of competent suppliers and service providers.
- Engagement of experienced event safety advisors.
- The proposed site provides ample footprint for the proposed content and activities.
- Seating will be provided though a mixture of temporary seating installations plastic furniture and or picnic bench style provisions.
- All temporary structures and other major infrastructure elements will be subject to a formal sign off by a competent person prior to use of opening.
- Installation, distribution and sign off of temporary electrical systems to be carried out by a competent professional contractor.
- Provision of appropriate medical and welfare facilities, which are clearly signed and staffed for the duration of the event.
- Access to fresh and tested drinking water for working personnel and members of the public.
- Production of detailed fire safety assessment and ensure all necessary controls are in place and monitored throughout the event period.
- Access to potentially hazardous areas will be restricted to members of the public and unauthorised personnel.
- The location of significant buried services will be established and communicated to relevant personnel.
- Generators and other electrical / technical areas shall only be accessible by technical crew, contractors and event staff.
- Appropriate warning signage will be prominently displayed to advise of potential hazards on site.
- A suitable and sufficient front of stage barrier will be installed and signed off by a competent person.
- Lighting levels throughout the event site will be set to allow patrons to clearly navigate their way around the site.
- Non-essential vehicle movement shall not be permitted on site during the public opening period. Any essential vehicle movement shall be carried out using a banksman.
- Production and or servicing vehicles shall use the back of house / production roads SFARP.
- No alcohol shall be served in glass vessels* and patrons shall not be permitted to bring glass onto site.
- * With the exception of managed taster sessions and master classes.
- Weather monitoring shall take place during the build, event and break periods and appropriate contingency plans (predominantly for high winds, lightning and heavy rains) shall be in place.

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

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

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

Part 4 – Signatures (please read guidance note 11)

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

Declaration	<ul style="list-style-type: none"> • [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15). • The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15)
Signature	Patrick Toland
Date	04/10/18
Capacity	Operations Manager

d) The prevention of public nuisance

- A noise management plan and propagation tests shall be produced and carried out for each event if required.
- Dedicated noise complaint line during key events for local residents to contact if noise levels become a nuisance.
- Limited overnight work shall be carried out during the build or break periods.
- The position of direct lighting (e.g. tower lights) shall not be in such a way which affects local residents but must be balanced to provide adequate / suitable lighting levels for navigation in and around the site.
- No build-up of litter or waste will be permitted anywhere out of the event site or on local highways.
- The event shall minimise the effect on the environment where possible
- Encourage patrons to share transport to minimise disruption and environmental impact SFARP.
- Consultation shall be carried out with local residents via engagement local groups and councils wherever possible.
- Traffic Management Plan to minimise impact on local environs and facilitate ready access to and from the event site.
- Every effort will be made to prevent pollution of any watercourse.

e) The protection of children from harm

- No under 16's are permitted on site without a responsible adult.
- No under 16's shall work at the licensed site unless a suitable and sufficient Risk Assessment has been carried out and all control measures effectively implemented.
- Provision of DBS accredited personnel on site.
- Challenge 21 rule for the sale of alcohol shall be adopted for the event.
- Any films shown shall have appropriate age certification or theatre shows etc with adult content will be clearly advertised.
- Any persons believed to be drinking under-age shall be intercepted by security personnel and alcohol disposed of.
- Closure times and the provision of transport links shall take account of the need to prevent young or vulnerable persons leaving the site without means of reaching their destination.

Checklist:

Please tick to indicate agreement

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

Consent of individual to being specified as premises supervisor

Patrick Toland

I -----
[full name of prospective premises supervisor]

of

88 Sheen Court, North Sheen TW10 5DF

[home address of prospective premises supervisor]

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

Premise Licence for Pub in the Park

[type of application]

by

Brand Events TM Ltd

[name of applicant]

relating to a premises licence

[number of existing licence, if any]

for

**Pub in the Park
Royal Victoria Park
Marlborough Lane
Bath
BA1 2NQ**

[name and address of premises to which the application relates]

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

Brand Events TM Ltd

[name of applicant]

concerning the supply of alcohol at

**Pub in the Park
Royal Victoria Park
Marlborough Lane
Bath
BA1 2NQ**

[name and address of premises to which application relates]

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

Personal licence number

LBWands/04998

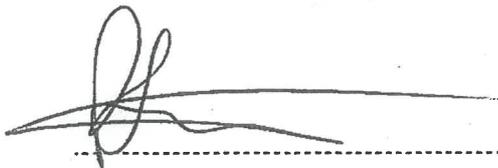
[insert personal licence number, if any]

Personal licence issuing authority

Wandsworth Council

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

Signed

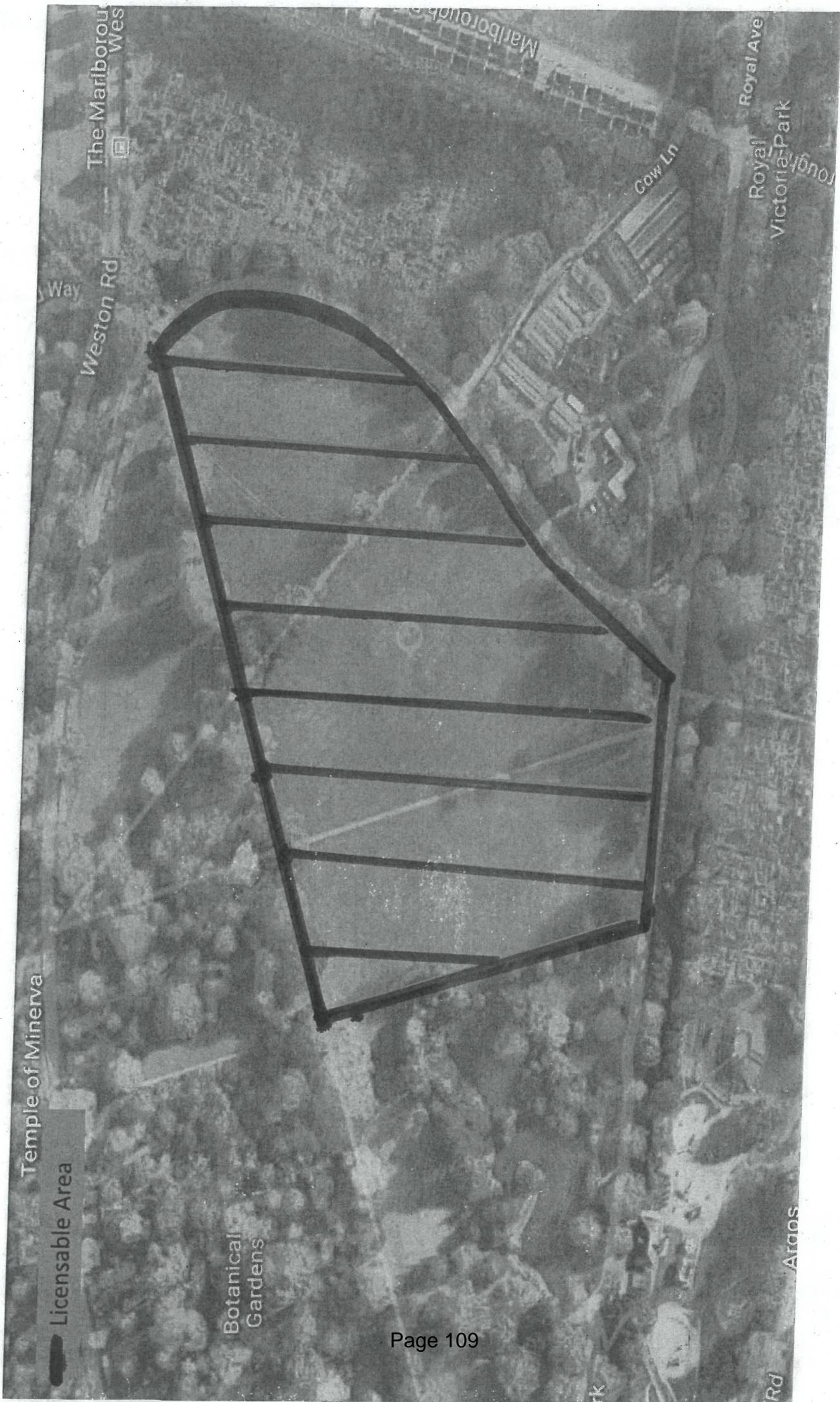


Name (please print)

Patrick Toland

Date

22/10/18



**LICENSING ACT 2003
REPRESENTATION FORM**

Please read the notes at the back of this form prior to completing it.

I/We object to the following application:

Application number:	18/02845/LAPRE
Applicant's name:	Brand Events
Premises name and address:	Pub in the Park, Royal Victoria Park, Marlborough Lane, Bath BA1 2NQ
Application for a:	Premises Licence

Objector Details:

Objector's Name:	Nicola Isherwood
Objector's Address:	Royal Crescent Bath, BA1 2LR
Organisation name if applicable:	Royal Crescent Society Residents Association

Objection Details:

My/our representation is relevant to the following licensing objective(s):

- Prevention of crime and disorder
- Prevention of public nuisance
- Protection of children from harm
- Public safety

Please detail your objection(s) as fully as possible in the box below and attach any supporting documents as necessary. If you do not then the Committee may not understand why you have objected.

Try to be as specific as possible and detail how the applicant's proposal will have an adverse effect on one or more of the licensing objectives.

I/We have already made a written representation and have no further comments

I am writing on behalf of residents of Royal Crescent who wish to object to the licence application for the forthcoming Pub in the Park events in 2019, based on their experience of the noise nuisance created by this year's event which ran from June 8th -10th.

The positioning of the stage and it's close proximity to the back of Marlborough Lane and Buildings mean't that many residents at the western end of Royal Crescent experienced loud noise disturbance inside their homes from the music which lasted throughout the weekend given there were performances both during the day as well as in the evening. The Sunday evening performance was particularly disruptive to residents and their families when some quiet enjoyment in their own homes would be reasonably expected.

Due to the consumption of alcohol being a key part of the event, Residents also experienced some very noisy behaviour from the crowds leaving the event via Royal Crescent after each of the performances, which was particularly noticeable after each of the evening performances. There didn't appear to be any security staff or management of these crowds of any kind as they left the event.

I am aware that a full copy of my representation (including my name and address) will be sent to the applicant and will form part of a public document prior to any hearing on this matter.

LICENSING ACT 2003
INTERESTED PARTY REPRESENTATION

Please read the notes at the back of this form prior to completing it.

I/We object to the following application:

Application number:	Reference:18/02845/LAPRE
Applicant's name:	Brand Events TM Ltd
Premises name and address:	
Application for a:	Pub in the Park

Objector Details:

Objector's Name:	Peter & Denise Wells
Objector's Address:	Cranwells Park Bath BA1 2YD
Organisation name if applicable:	

Objection Details:

My/our representation is relevant to the following licensing objective(s):

- Prevention of crime and disorder
- Prevention of public nuisance
- Protection of children from harm
- Public safety

Please detail your objection(s) as fully as possible in the box below. If you do not then the Committee may not understand why you have objected.

Please attach supporting documents/further pages as necessary and number all extra pages.

Try to be as specific as possible and give examples e.g. *On 1 February I could hear loud music from the premises between 10pm and 1 am. I am concerned that if the premises open until 2 am this will cause a nuisance to me and other residents of the street.*

I/We have already made a written representation and have no further comments

The resident living round the park were subjected to loud noise for 2 and a half days. Brand Events say they will submit a noise management plan but it doesn't say they are going to reduce the sound levels from this years event. Unless the noise level will be reduced to something like that of the fair the licence should be refused.

I am aware that a full copy of my representation (including my name and address) will be sent to the applicant and will form part of a public document prior to any hearing on this matter.

Signed

Peter Wells

Date

19/11/2018

Contact telephone number(s)
(This is essential as we may need to contact you at short notice)

REPRESENTATION from Lansdown Crescent Association

Rec'd 12/11/2018

Application No 18/02845/LAPRE

Applicants Name Brand Events

Premises name and address Pub in the Park, Royal Victoria Park, Marlborough Lane, Bath BA1 2NQ.

Appilcation for Premises Licence

Objector **Rachael Hushon on behalf Lansdown Crescent Association**

Objectors Address Lansdown Place West BA1 5EZ

Organisation name if applicable: Lansdown Crescent Association

Licensing Objective: Prevention of Public Nuisance

Details of Objection

Our Objection is based on noise nuisance during this year's Pub in the Park event June 8th – 10th.

The volume levels were sustained and amplified at such levels that local residents had no respite for the entire duration of the event. Residents of the area mostly live in listed properties which have single glazing, thus affording little insulation from the high and sustained volume levels generated by this event. Given this extreme care should be taken by the Case Officer and the Organisers to prevent public nuisance.

The Organisers have not sought to consult with local residents to offer reassurance on reasonable volume levels or reasonable hours the noise should continue for. Any Premises Licence should have severe noise restrictions for any evening performances. These volume levels should be routinely monitored so that organisers are responsible and accountable to local people who want to enjoy a reasonable level of peace and quiet in their own homes in residential neighbourhoods.

Signed : Rachael Hushon - Date 12th November 2018

REPRESENTATION from Leslie Hynes

Rec'd 19 11 2018

Applicants Name Brand Events

Premises name and address Pub in the Park, Royal Victoria Park, Marlborough Lane, Bath BA1 2NQ.

Appilcation for Premises Licence

Objector Leslie Hynes

Objectors Address Flat , Marlborough Buildings, Bath BA1 2LY.

Organisation name if applicable

Prevention of Public Nuisance

Details of Objection

Our Objection is based on noise nuisance during this year's Pub in the Park event June 8th – 10th. In all there were 16 registered complaints with the Council, which as far as I can tell were never contested. As we are the nearest RA to the event, it was striking that complaints came from a wide area of Bath, across the park as far as RUH, up the hill and all around RVP. The organisers refused to take into consideration our suggestions on location of their stage, on which subject we have a lot of experience, and placed it in close proximity to the rear of Marlborough Buildings when they had the whole of Middle Common to use. Due to the nature of the event – Pub in the Park, the behavior of the departing crowds was far worse than normal. On this basis any Premises Licence should have severe noise restrictions and limits on alcohol consumption for any evening performances.

Signed (typed in) and dated.

Leslie Hynes 19 Nov. 2018

REPRESENTATION from Cllr Sue Craig

Rec'd 14 11 2018

From: Sue Craig (CLLR)
Sent: 14 November 2018 14:56
To: Wendy Stokes; Licensing
Cc: Andrew Furse (Cllr); Rob Appleyard (Cllr)
Subject: Party in the Park - 18/02845/LAPRE

Wendy,

Please could I ask that particular consideration be given to the location and hours of this event in Royal Victoria Park and that the application is referred to the Licensing Sub Committee for determination?

This event caused considerable nuisance to the residents of Marlborough Building last year due to the noise levels and I believe there were also complaints from much further afield for the same reason?

Is there any reason why it couldn't be sited on the middle common rather than close to this residential area?

If the location can't be changed then the licensing hours should be restricted, particularly on the Sunday, as people have to get up for work/school the following day.

Councillor Sue Craig

Liberal Democrat Councillor for Kingsmead

REPRESENTATION The Cavendish Road Society

Rec'd 19/11/2018

Applicants Name: Brand Events

Premises name and address: Pub in the Park, Royal Victoria Park, Marlborough Lane,
Bath BA1 2NQ.

Application for: Premises License

Objector: Emilio Pimentel-Reid on behalf of The Cavendish Road Society

Objector's Address: Cavendish Place, Bath BA1 2UB

Organization name if applicable: The Cavendish Road Society (TCRS)

Prevention of Public Nuisance: Details of Objection:

1. Our Main Objection is based on noise nuisance during this year's 'Pub in the Park' event June 8th – 10th.

The volume levels were sustained and amplified at such levels that local residents (especially those on Cavendish Road, Park Place and lower Park Street) had no respite for the entire duration of the event. As you are aware residents of the area live in listed properties which have single glazing, thus affording little insulation from the high and sustained volume levels generated by this event. Given this extreme care should be taken by the Case Officer and the Organisers to prevent public nuisance.

The Organisers have not sought to consult with The Cavendish Road residents to offer reassurance on reasonable volume levels or reasonable hours the noise should continue for. Any Premises License should have severe noise restrictions for any evening performances. These volume levels should be routinely monitored so that organisers are responsible and accountable to local people who want to enjoy a reasonable level of peace and quiet in their own homes in residential neighbourhoods.

2. In addition note that residents parking is affected all the way up to Sion Hill during the event again with no consultation or traffic management in place during set up, during the event and strike off.
3. Finally due to the consumption of alcohol being a key part of the event, TCRS Residents also experienced some very noisy behaviour from the crowds returning to their cars after each of the performances, which was particularly noticeable after each of the evening performances. Again there didn't appear to be any security staff or management of these crowds of any kind as they left the event.

Signed Emilio Pimentel-Reid/ Secretary/ The Cavendish Road Society

Date 19th November 2018

From: Andrew Furse (Cllr)
Sent: 19 November 2018 18:33
To: Terrill Wolyn
Cc: Sue Craig (CLLR)
Subject: Re: RVP Pub in the Park

Terrill,

I too wish to submit my objection on the following grounds;

1. Noise and nuisance to neighbouring property. there were numerous complaints last year as the impact to residents enjoyment of their own property due to the noise from the event. I see no new mitigation to these problems with this years arrangements.
2. Noise and nuisance to other park users. Not only are normal park users restricted in their enjoyment of this open space during the whole period of set up and breakdown of the event, they are unable to enjoy the peace and beauty of the remaining part of the park as their local amenity. Especially, since for many local residents living in flats that this is their outdoor space.
3. Protection from children from harm. The event is noisy and impacts on families and with young children in the local vicinity. It needs to be recognised that for many local properties there is no double glazing since these are listed buildings, and as such there is little for no sound proofing. The impact to young children from their lack of sleep needs to be considered, especially since this has been a contributing factor last year.

In addition, whilst making this objection, i want to emphasise the following;

- A. that last year local councillors were informed of such an event, and concerns were raised with both cabinet members and officers as to the inappropriateness of such an event in RVP. There has been no similar engagement this year.
- B. Last year I made my views clear to cabinet members that such an event, encouraged by the cabinet members, increases unnecessary competition to the City's already large and diverse range of pubs and restaurants, excluding many local businesses.
- C. that residents and local councillors do not feel that this event serves the residents of Bath, that it brings nothing extra to the city's cultural experience, and that it is seen as an elitist event by many who lose their park access as well as being priced out of the event itself.

Finally - checking the licensing web site for this event the dates being applied for are not clear although the times are.

thank you for your attention.

Regards

Cllr Andrew Furse

Kingsmead Ward

Bath & North East Somerset Council

LICENSING ACT 2003

REPRESENTATION FORM - MINOR VARIATION

Please read the notes at the back of this form prior to completing it.

I/We object to the following application:

Application number:	18/02845/LAPRE
Applicant's name:	Brand Events
Premises name and address:	Pub in the Park, Royal Victoria Park, Marlborough Lane, Bath BA1 2NQ
Application for a:	Minor Variation Application NEW

Objector Details:

Objector's Name:	Stephen Huard
Objector's Address:	The Garden Flat, Marlborough Buildings, Bath BA1 2LY
Organisation name if applicable:	Marlborough Lane and Buildings Residents Association

Objection Details:

My/our representation is relevant to the following licensing objective(s):

- Prevention of crime and disorder
- Prevention of public nuisance
- Protection of children from harm
- Public safety

Making Bath & North East Somerset an
even better place to live, work and visit

Please detail your objection(s) as fully as possible in the box below and attach any supporting documents as necessary.

Try to be as specific as possible and detail how the applicant's proposal will have an adverse effect on one or more of the licensing objectives.

Our objection is based on noise nuisance during this year's Pub in the Park event June 8th - 10th. In all there were 15 registered complaints with the Council, which as far as I can tell were never contested. As we are the nearest RA to the event, it was striking that complaints came from a wide area across Bath, across the park as far as RUH, up the hill and all around RVP. The organisers refused to take into consideration our suggestions on location of their stage, on which subject we have a lot of experience, and placed it in close proximity to the rear of Marlborough Buildings when they had the whole of Middle Common to use. Due to the nature of the event - Pub in the Park, the behaviour of the departing crowds was far worse than normal. On this basis any Premises Licence should have severe noise restrictions and limits on alcohol consumption for any evening performances.

I am aware that a full copy of my representation (excluding my personal data) may be sent to the applicant.

Signed

S W Huard

Date

11th November 2018

Contact telephone number(s)
(This is essential as we may need to contact you at short notice)

There will not be a hearing to determine this application. The Licensing Authority will consider all relevant representations and determine the application accordingly.

Form to be returned to licensing@bathnes.gov.uk or:

Licensing Team
Public Protection Service
Lewis House

From: Mr Stephen W Huard
Sent: 19 November 2018 10:25
To: Terrill Wolyyn
Subject: Fwd: Events in RVP

Terrill,

Forwarded for your information. I rely on this document in quoting 15 complaints about Pub in the Park in June 8th to 10th 2018. It is in answer to Question 15 sub section 5 from Councillor Andy Furse.

best regards

Stephen Huard
 Chairman MLBRA

QUESTIONS AND ANSWERS - COUNCILLORS

M 15 Question from: Councillor Andrew Furse

Large-scale events in Royal Victoria Park

Private events held in Royal Victoria Park are having a negative impact on park users and local residents. Access routes are being blocked and late night noise from live music is keeping people awake – including schoolchildren preparing for exams. Residents are concerned that the Council is prioritising income-generating events over the needs of local residents.

1. Can the Cabinet member list events undertaken and planned for 2018?
2. Can the Cabinet member detail income received and expected for 2018 with comparisons to 2017 and 2016?
3. Will the Cabinet member ensure that on-site sound monitoring will be carried out and that the out of hours telephone number will be attended during future events?
4. What will the Cabinet member do to improve communication and signage when areas of the park are cordoned off for private bookings?
5. What complaints have been received regarding recent events?

What work is being done to assess the impact on the local economy, either positive or negative, such as diverting potential customers from our own pubs?

Answer from: Councillor Bob Goodman

1. Please see attached spreadsheet

2. 2016/17 – £58,437

2017/18 – £118,219

2018/19 – currently forecasting £105,876

3. A political decision was taken to cease the reactive Environmental Health out of hours noise service in 2008/09.

However, there are still ways for people to contact Environmental Health if they are concerned about noise:

If they have access to a telephone, they can contact the Council's Out of hours call centre team, and they will take the details and pass them onto the Environmental Protection Team for the next working day.

If they have access to a smartphone or the internet, they can download the Noise App, and this allows them to report that directly to the team including the facility to take a recording of the noise at the time - which can then be accessed to the team.

For ongoing cases (possibly similar to the 'party houses'), we have several pieces of specialist noise recording equipment that an officer can consider deploying, which are then operated by the complainant. Officers then review recordings made with a view to deciding whether enforcement action is warranted.

Whilst the reactive out of hours service has been ceased, we still have the option of a proactive out of hours visit. If something is say, a problem for an hour every Friday night at 11.30, then as the intelligence is so specific and reliable, officers may decide to undertake a visit as opposed to deploying the noise recording equipment.

For short duration events with a higher than usual likelihood of complaints, such as a significant event for example, officers work with the organisers through the Safety Advisory Group for Events process to identify controls and a monitoring response to the event (sound checks etc.) Officers will dynamically decide whether a visit is needed, and this decision is based on the number of complaints received..... zero complaints would not trigger a visit whereas several complaints are more likely to.

Our advice to anyone is to actually contact the out of hours call centre team whilst they are being disturbed. For new cases, this information will be passed to the officer on the next working day and will usually trigger the commencement of an investigation where the person allegedly causing the noise will be notified and asked to be considerate etc. If they are disturbed by a one off short term event, their complaint may be the complaint that triggers an officer visit that night (should it be decided that this is an event which warrants this response).

Event Organisers are asked to produce a Noise Management Plan ahead of their events and based on risk assessment, we can request that an Environmental Protection Officer is on call, with the costs of this borne by the event organiser.

4. Event organisers are required to communicate details of their events with residents in the immediate vicinity of the park/open space, or if on the highway, the street affected. Event Organisers do this by contacting the respective Chairs of the

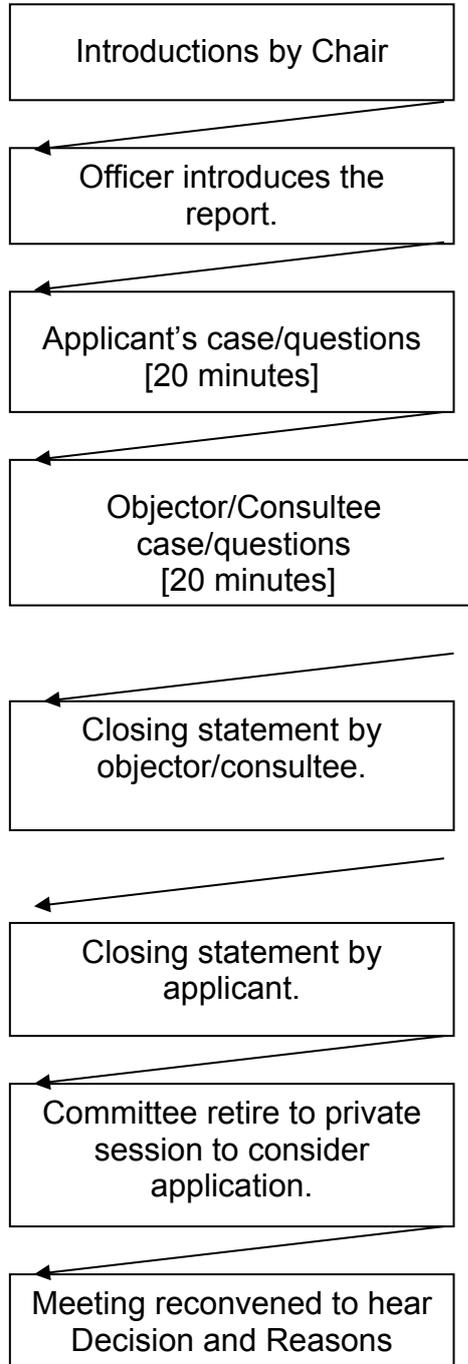
Residents Associations concerned and by leaflet drops into properties, again in the immediate vicinity.

5. In relation to Pub in the Park – the Council received 15 complaints

6. Brand Events have been asked to provide data on the numbers of people attending and their postcode areas. In addition, they worked with our destination management company, Visit Bath, on production of digital content to promote the City to those attending the event and encourage ticket holders to explore the City. The Council is not in a position to carry out Economic Impact Assessments on all of the events which occur across the authority area. As per the Events Policy the Council looks to support events and festivals which can, at their best, be powerful agents of social cohesion, providing opportunities for celebration, pride in a place or locality, participation, and involvement of diverse groups. A varied programme of events contributes to: (a) Economic development (b) Social/cultural regeneration (c) Cultural vibrancy (d) A strong tourism base (e) Cultural and community provision (f) Local priorities which seek to encourage vibrant sustainable communities that are active, lively and inclusive.

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

OVERVIEW



This page is intentionally left blank

**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 6th December 2018	Agenda Item Number	
TITLE:	Application to create a Street Trading Pitches (141 – 148) New Orchard street Bath		
WARD:	Abbey		
AN OPEN PUBLIC ITEM			
List of attachments to this report:			
Annex A – Copy of Application			
Annex B – Copy Highway consultation notice – displayed on New Orchard street and delivered to adjacent premises and circulated to standard consultees			
Annex C – Copy of current Street trading Consent			
Annex D – Copy of the Street Trading Policy			
Annex E – Copy of the Standard Street Trading Conditions			
Annex F – Copy of the objections to the application			
Annex G – Copy of support representation			

1 THE ISSUE.

- 1.1 An application has been received from Simon Deane to create a Street Trading pitch in New Orchard Street Bath. This street is currently in use by Jimmy Deane's fruit and vegetable stall, albeit in a different part of the street. A copy of the consultation notice is at **Annex A**
- 1.2 The application has arisen as a result of work being carried out by Metro Bank, necessitating a temporary relocation of the stall, within the vicinity, and to ensure public safety during the construction work. This application also seeks to safeguard the area to ensure trading can continue in the vicinity should there be future development.
- 1.3 Jimmy Deane's have been trading in Bath for 14 years and trading from its current location in New Orchard Street since 2010. A copy of their current Street trading Consent is **Annex C**

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 objections have been received from interested parties.
- 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 Simon Deane
- 5.2 The pitch size is for 8 gazebos each with a maximum size of 3m x3m.
- 5.3 The type of stall to be used will be gazebos
- 5.4 Notification of the application (**Annex B**) was posted in New Orchard Street and copies hand delivered to all nearby retail premises on 29th October 2018 giving persons until midnight on 19th November 2018 to submit any objections. The application was also published on the Council's website.
- 5.5 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.

- 5.6 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.

Bath and North East Somerset Council has standard Street Trading conditions (attached at **Annex E**) which are applicable to all Street Trading Consents issued by the Council.

- 5.7 Each application for a Street Trading Consent will be considered in line with the Council's current policy on Street Trading (attached at **Annex D**).

5.8 A plan of the area is included (**Annex B**).

5.9 Objections were received (**Annex F**). The grounds for the objection are:-

That the stall is likely to cause nuisance, annoyance or inconvenience to pedestrians and neighbouring properties due to lack of space and the potential to spread unrestriced across the area.

5.10 A representation in support of the application was received (**Annex G**)

6 RATIONALE

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

7 OTHER OPTIONS CONSIDERED

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 D**).

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	

Ian Nash

Subject: FW: Request for Street Trading Pitch

ANNEX A

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

From: cis@bathnes.gov.uk [mailto:cis@bathnes.gov.uk]

Sent: 18 October 2018 17:27

To: Licensing

Subject: Request for Street Trading Pitch

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

Name: Charlene Deane

Address: Colts Green End, Badminton Road, Old Sodbury, BS37 6LR

Phone:

Email:

NI No:

DoB:

Trading Name: Jimmy Deane's Fruit, Veg & Salad Ltd

Pitch: New pitch location in New Orchard Street - please see attached documentation.

Goods: As an existing street trader in this location we have proven to provide fresh produce to the local community, businesses and visitors of Bath. We promote quality and affordable choice to the consumer in a market already dominated by the large supermarkets. We sell items loose, plastic free, with personal service and advice. For more information please see attached company profile to see how we bring value to the area.

Times: Mon - Sat 07.00 - 17.30

Type: Pop up gazebo - see attached documentation.

Attachments:

https://www.bathnes.gov.uk/sites/default/files/webform/company_profile_2018.pdf

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.

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, 18 October 2018 - 5:27pm

Application Ref. 18/02969/STTRAD

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982**JIMMY DEANE'S PITCHES 141 - 148 NEW ORCHARD STREET BATH BA1 1QC**

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.

Due to the work recently carried out by MetroBank this stall holder has been relocated to a temporary position within the vicinity to enable the safety of the public during the construction work. We would like to safeguard this area to ensure the stall holder can continue trading in the event of any future development.

Name of each applicant	Mr Simon Deane
Trading times	Monday from 07:00 to 17:30 Tuesday from 07:00 to 17:30 Wednesday from 07:00 to 17:30 Friday from 07:00 to 17:30 Saturday from 07:00 to 17:30
Articles for sale	Fruit and Vegetables
Stall type	Market stall with green and white awning

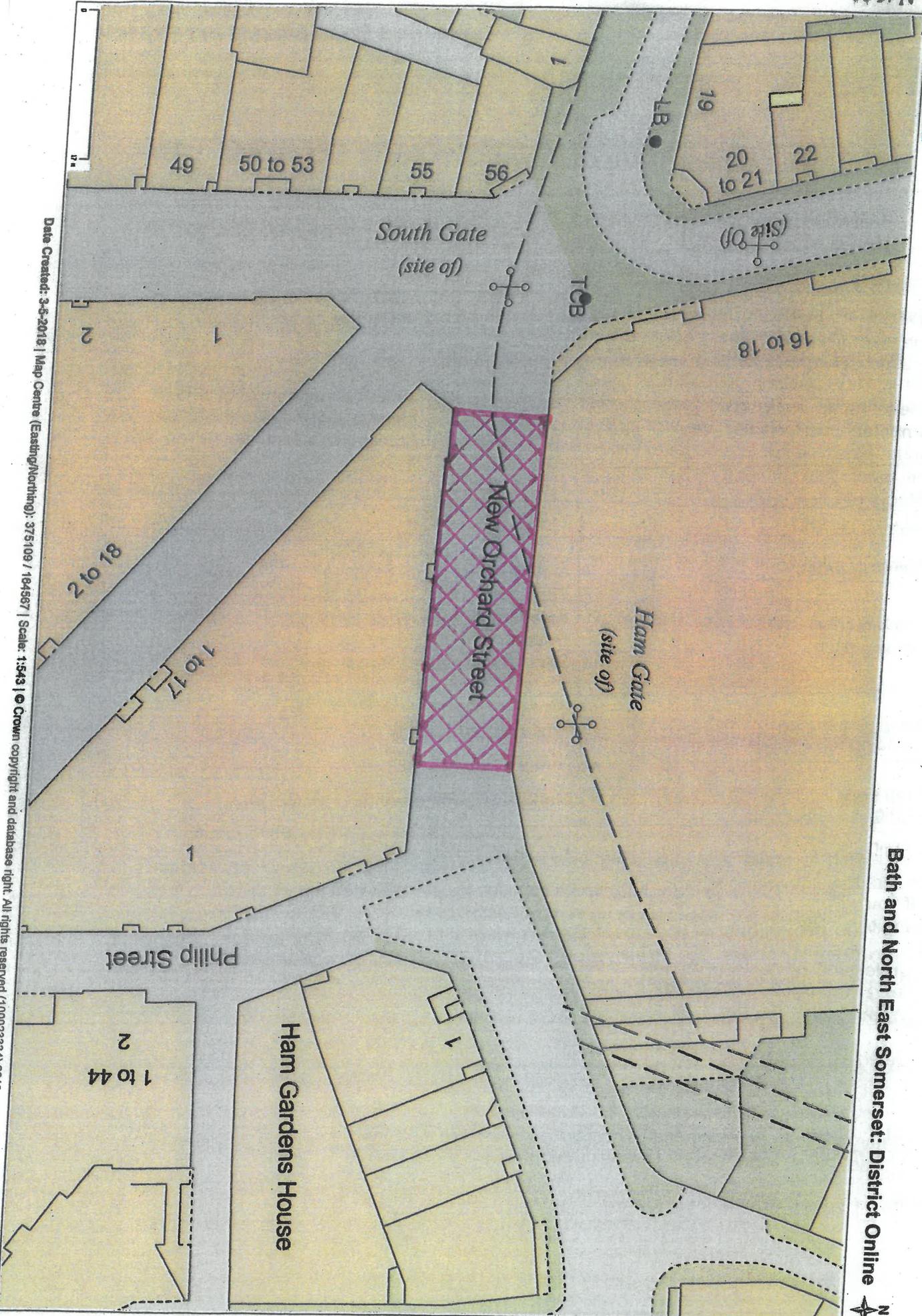
If you wish to make any objections to the Council regarding the above application you should do so in writing to the undersigned by .

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 29 October 2018

Cathryn Brown

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



Date Created: 3-5-2018 | Map Centre (Easting/Northing): 375108 / 164987 | Scale: 1:543 | © Crown copyright and database right. All rights reserved (100022241 2018)

Bath and North East Somerset: District Online

**Bath & North East
Somerset Council**

Ref. 18/00842/STTRAD

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

STREET TRADING CONSENT

Jimmy Deane's Fruit, Veg & Salad Ltd

BATH & NORTH EAST SOMERSET COUNCIL being the Licensing Authority under Schedule 4, Paragraph 7 of the above Act hereby grant a Street Trading Consent to:

Mr Simon Deane

of:

to trade at:

**Temporary Relocation Due To Metro Bank Building Work
New Orchard Street
Bath**

on the following days/hours:

**Monday from 07:00 to 17:30
Tuesday from 07:00 to 17:30
Wednesday from 07:00 to 17:30
Friday from 07:00 to 17:30
Saturday from 07:00 to 17:30**

in the articles of the following description: **Fruit and vegetables**

Pitch Size: **8 stalls**

Vehicle Registration:

This Consent is granted subject to the general conditions relating to Street Trading Consents and to any special condition(s) set out overleaf. The approved stallholders are also listed overleaf.

This Consent shall continue in force from **12 July 2018** until **31 March 2019** unless revoked or surrendered.

NON-PAYMENT OF FEE WILL INVALIDATE THIS CONSENT

Granted on **12th July 2018**

by



Licensing Officer
on behalf of the said Authority

STREET TRADING CONSENT - GENERAL CONDITIONS

- 1 The holder of this Consent (which expression where appropriate includes joint holders of this Consent) and any person employed by him to assist him in his trading, shall produce it on demand when so required by a Police Officer or a duly authorised officer of the Bath & North East Somerset Council.
- 2 The holder shall return this Consent to the Bath & North East Somerset 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 Head of Environmental and Consumer Services at Bath & North East Somerset Council immediately of any convictions or proceedings arising out of the use or enjoyment 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 re-producing 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.
- 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 previous consent in writing of the Head of Environmental and Consumer Services for the time being of the Council.
- 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 he must maintain the same in a clean and tidy condition and not place them so as to obstruct the entrance to or exit from any premises.
- 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 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 he 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 the Head of Environmental and Consumer Services or the Director of Property and Engineering Services for the time being of the Council.
- 14 The holder shall keep his 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 his own cost and expense litter bins or similar receptacles for the deposit of cartons, wrappings, containers and similar discarded items if required by the Head of Environmental and Consumer Services, 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 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.
- 19 The Consent holder or any person employed by him to assist him in his trading shall **at all times** wear the identification badge issued by Bath & North East Somerset Council whilst trading from the pitch. The badge shall be worn in a conspicuous position on the upper body.
- 20 The holder shall return the identification badge(s) to the Bath & North East Somerset Council immediately on revocation or surrender of the Consent.
- 21 All street trading fees are due quarterly in advance on 1 January, 1 April, 1 July and 1 October each year.

Notes:

- 1 Street trading in a consent street without a Street Trading Consent, or from a van, cart etc. not specifically permitted by a 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. In case of doubt about the effect of any such Order, enquire at the Environmental and Consumer Services office.
- 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 he 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 he knows to be false in any material respect, or which he does 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.

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.

From: Allison Herbert
Sent: 05 November 2018 11:18
To: Ian Nash
Cc: 'Guy Henderson'; Cleo Newcombe-Jones; Mark Minkley; Bob Goodman (Cllr); Paul Myers (Cllr); Christian Mead
Subject: Street Trading Consent Ref. 18/02969/STTRAD

Dear Ian

Thank you for your request regarding the 8 pitches currently located at Pitch 141 – 148, New Orchard Street, Bath, BA1 1QC. – reference above.

Further to a discussion within the public realm steering group about the previous version of this application, I have copied my response to Cllrs Myers and Goodman.

The Bath BID would like to object to this licensing application on the following grounds:

We are not sure from your diagram exactly where you propose to position the 8 stalls. The diagram would appear to allow the stall to locate across the entirety of New Orchard Street. We assume that some sort of pedestrian access will be maintained. Please confirm that this is the case.

We believe that it is impossible for the stall in that location to avoid finding itself in contravention of point 11 in the B&NES Street Trading Conditions below:

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.

It is not reasonable to assume that a stall which has permission to extend across the entire length and width of New Orchard Street with no apparent constraints will not cause nuisance, annoyance, inconvenience or damage to any of the neighbouring premises occupiers or owners or indeed to the public at large.

The BID's comments relate to a number of issues:

1. Location – New Orchard Street

The adopted **B&NES Public Realm and Movement Strategy** makes reference to New Orchard Street in particular

"A consistent approach to the treatment of all the connecting routes will complement the approach proposed for the key routes that form the lattice. This will include the phased replacement of concrete paving with natural stone, the *introduction of bespoke street furniture products*, and a de-cluttering programme to enhance their visual appeal.

The principal connecting routes to be improved are:

East–West connecting routes

_Bennett Street

_Green Street

_Saracen Street

_Trim Street

_Bath Street

_Beau Street

_Abbeygate Street

_New Orchard Street"

New Orchard Street has a bike parking installation and some benches. It is my understanding that bike parking is already fully occupied in the city, and it would be unhelpful to lose any of it. Could you confirm that these stalls will not have a detrimental impact on the ability of the city to make full use of the bicycle parking. Would

you mind confirming with your colleagues from the Breathe Campaign whether these bike racks are part of their plans to ensure that the city keeps moving once the new measures to discourage car use are brought in.

Will the benches also be protected in the choice of site for these stalls? There is a serious shortage of public benches in the city, we would object to the loss of any public seating.

2. Pedestrian Access

We would draw your attention to the Conservation Area Design recommendations for street furniture:

There should be a minimum clear width of 2 metres between the edge of the chairs and the kerb. 'Clear width' is the width available for pedestrians either on a footway or a shared surface between the area being used for tables and chairs and any other obstruction eg trees or street furniture.

In addition the recommendations propose that all shops are entitled to install a 660mm wide A board outside their premises. This would include MetroBank, Kurt Geiger and Fatface, who also have permission under their planning consents to have entrances onto New Orchard Street.

In support of our levy payers, we object to any stall being placed directly against a wall or shop front in any location in the city. Although the consultation does not specifically imply this, we assume that no stall would ever be placed against the wall or display window of a shop without their express permission (rather than their failure to complain). Blocking a window or an entrance to a shop would be regarded as causing damage or inconvenience to the occupiers of that property.

With the stalls in the centre of New Orchard Street, there will not be sufficient width to accommodate the stall (3m wide) the pedestrians (2m on either side) and the A boards (0.66m on either side). We therefore object to stalls in that location. Would you please provide me with the feedback from your colleagues in highways who are responsible for the safety of pedestrians.

3. Complements premises-based trading

The BID is of the view that any stall in New Orchard Street conflicts with premises based trading because of the lack of safe movement for customers of premises in that street (with reference to the recommended 2m width in the Bath Conservation Area Design recommendations).

4. is sensitive to the needs of residents

No objection

5. Public Spaces become active spaces

There are benches, trees and bicycle parking in New Orchard Street. The market stalls should not be given preferential access to the public open space to the detriment of the street furniture.

6. provides diversity and consumer choice;

This stall provides low cost fruit and veg which is not provided elsewhere. Therefore the BID has no objection to this particular trader, but would recommend that its location should be reconsidered.

7. seeks to enhance the character, ambience and safety of local environments

The BID is of the view that the location of this collection of 8 stalls is not appropriate. There may be an argument that 2 x 3m stalls would not create a significant block in terms of safety and ambience, but 8 would be viewed as over development of the public space.

The 8 proposed stalls do not appear to comply with the Southgate design guidelines on Page 10 of the B&NES Bath Conservation Area and design guide. Although only 'temporary' the proposal will enable the stalls to be in position on most days of the week and they should therefore be considered permanent in their impact

8. promotes healthy eating o provides local food - no objections

I have a number of comments regarding the pitch in question, which we recommend should be reconsidered rather than automatically approved by the licensing committee. If you are unable to provide evidence that New Orchard Street is wide enough to accommodate 8 stalls without a loss of amenity to pedestrians, cyclists and businesses in that area, please consider this email as an objection.

An additional point to consider in managing the pedestrian access around stalls across the city, Cathryn Brown, Cleo Newcombe Jones and myself have recently been reviewing new standard sizing for stalls in the city. It would seem sensible to implement the new 2m maximum recommendation as all pitches are renewed, rather than creating a further 12months of delay before we can be sure that pedestrians are safely accommodated.

I understand that you would like to safeguard this area to ensure the stall holder can continue trading in the event of any future development and also to ensure that the council continues to receive the income from the stall. As the BID, we would also like to safeguard this area to ensure that the retail premises in this location can continue trading successfully without having their access points and windows blocked by this stall or its customers. We also seek to ensure that pedestrians have a comfortable experience when using the pedestrian streets of the city centre.

Kind regards
Allison Herbert
Chief Executive
The Bath BID Company

Dear Ian,

I would also like to object to this proposal as drafted. I share Bath BID's concerns as outlined below, and consider it leaves too much flexibility which would result in detrimental impacts to the public realm and a reduction in the ease of movement along this street.

I think this could be resolved if the area designated for these street trading pitches was more tightly defined, reduced in scale from 8 pitches and if greater consideration to the location of existing street furniture was given. Perhaps the hatched area across the street could be replaced with an agreed fixed pitch location as for most other street trading consents?

Best wishes,

Cleo

Cleo Newcombe-Jones
Project Coordinator - Waterways and Public Realm
Environment & Design Projects Team
Economy & Growth
Bath & North East Somerset Council

From: Peter Turner (Cllr)
Sent: 30 October 2018 10:45
To: Licensing
Subject: Re: Street Trading Consent Ref. 18/02969/STTRAD

After all that Jimmy has been through following Metro Bank I fully support this application

Best regards

Peter