

BATH AND NORTH EAST SOMERSET COUNCIL

LICENSING SUB-COMMITTEE

Thursday, 26th September, 2019, 10.00 am

Councillors: Manda Rigby (Chair), Michael Evans and Steve Hedges

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

37 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer advised the meeting of the procedure.

38 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were none.

39 DECLARATIONS OF INTEREST

There were none.

40 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was none.

41 MINUTES OF PREVIOUS MEETING: 29TH AUGUST 2019

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

42 EXCLUSION OF THE PUBLIC

The Sub-Committee having been satisfied that the public interest would be better served by not disclosing relevant information, **RESOLVED**, in accordance with the provisions of Section 100(A)(4) of the Local Government Act 1972, that the public should be excluded from the meeting for Agenda Item 8 and that the reporting of that part of the meeting should be prevented under Section 100A(5A), because of the likely disclosure of exempt information as defined in paragraphs 1, 2 and 3 of Part 1 of Schedule 12A of the Act, as amended.

43 TAXI PROCEDURE

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

44 APPLICATION FOR HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE: 19/02221/TAXI

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

The Senior Public Protection Officer presented the report and provided Members with copies of a DBS statement in respect of the applicant and a statement submitted by her. The hearing was adjourned to allow Members time to study these documents.

The applicant stated her case and was questioned by Members. The applicant made a closing statement.

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

Decision and reasons

Members have had to consider an application for a combined Hackney Carriage/Private Hire Driver's licence in light of a Disclosure and Barring Service Certificate disclosing previous convictions. In doing so Members took account of the Local Government (Miscellaneous Provisions) Act 1976, Human Rights Act 1998, case law and the Council's Policy.

Members heard the convictions dated back to the time just after leaving school when the applicant hung around with the wrong crowd and was a different person. As she matured she took the decision to distance herself from this crowd, met her partner, had her first child and started a fresh in Bath. Since then she had attended college, had run successful businesses interacting with the public and now wanted the flexibility and freedom offered through taxi driving.

Members found the applicant's convictions related to the early part of her life and fell outside of the Policy. They found she was well-presented, ashamed of her younger stupidity and in the circumstances a fit and proper person to hold a combined hackney Carriage/Private Hire Driver's licence. Authority was therefore delegated to the Senior Officer (Licensing) to issue the licence subject to satisfactory completion of the licensing process.

45 RETURN TO OPEN SESSION

46 STREET TRADING PROCEDURE

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

47 APPLICATION FOR A NEW STREET TRADING PITCH, KINGSMEAD STREET, BATH

Applicant: Laura Terry

Objectors: Paul Ivory (Avonvale Carpets), Ian Menzies (Seafoods), Councillor Andrew Furse

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

The Public Protection Officer presented the report.

The Applicant stated her case and was questioned by Members.

The objectors stated their cases and were questioned by Members.

The Applicant made a closing statement.

Councillor Furse made a closing statement.

Following an adjournment, the Sub-Committee **RESOLVED** to issue a street trading consent subject to the standard conditions.

Decision and reasons

Members have had to determine an application to create a Street Trading pitch at Kingsmead Street. In determining the application the Local Government (Miscellaneous Provisions) Act 1982, Council Policy and Human Rights Act were taken into account.

The applicant stated she lives and works in Bath. She will use ingredients from local suppliers and serve food in recyclable containers. The stall itself is self-contained, purpose built and covers a relatively small area. The applicant further stated the goods to be offered are baked potatoes which are healthy and wholesome alternatives to food fried in a wrap or bun. Having looked at the area and operation of businesses there the applicant was careful to ensure that her operating hours and pitch location should not negatively impact on them. She also suggested a pitch in this location may in fact draw additional footfall and increase trade generally.

The objectors stated a pitch in this location would be hazardous and be inconvenient to those loading and un-loading of goods at premises in the location and goods arrive at all times throughout the day. The objectors also questioned the licensing process, history of pitches in the location, the ambition for Kingsmead Square in terms of the street experience and the appearance and operation of other pitches in the city more generally.

In reaching a decision Members took account of the relevant representations and balanced the competing interests of the applicant, supporting representation and objectors. Members were mindful to deal with the matter on its merits and disregarded concerns relating to the licensing process, perceived need for stalls in the area, history of stalls in the location, any proposed redevelopment of the area and the appearance and operation of other stalls across the city.

With regards to the creation of the pitch, Members had regard to their policy. Members noted the application area measured 1.7m x 1.85m and there were no objections from the Highway Authority and despite being made aware in the meeting of the ambitions for Kingsmead Square no objections were received from the Public Realm team. Given the size of the stall and its proposed location, Members found it would be unlikely to have a detrimental effect on public safety, amenity, cause an obstruction or impeded safe access and egress to and from it or premises based trading in the vicinity. So far as the nature of the goods sold Members reminded themselves of their Policy and placed little weight on the objection referring to the

need for additional food outlets and similarities between goods to be offered for sale on the stall and premises based traders.

Accordingly, Members found it both reasonable and in the public interest to create the pitch which provided ample space on each side for pedestrians to pass, repass and vehicles to service premises in the area. Therefore, the application was granted as applied for and authority was delegated to the Licensing Officer to issue consent subject to the standard conditions.

The meeting ended at 11.30 am

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services