

## Bath & North East Somerset Council

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

### 1 THE ISSUE.

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

### 2 RECOMMENDATION

- 2.1 That the Licensing Sub Committee determines the application.

### 3 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

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

### 4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL

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

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

- 4.2 This application has been brought to the committee as valid objections have been received from local residents.
- 4.3 When making a decision consideration needs to be given to the Human Rights Act 1998.
- 4.4 An Equalities Impact Assessment (EqIA) has been completed. No adverse or other significant issues were found.

## 5 THE REPORT

- 5.1 An application has been received from Thomas Dollar & Rebecca Paisley (**Annex A**).
- 5.2 The pitch size is a maximum of 8 feet x 6 feet.
- 5.3 The type of stall to be used will be a bespoke mobile catering trailer.
- 5.4 The times applied for is 6am to 4pm every day.
- 5.5 Notification of the application (**Annex E**) was posted in Grand Parade and copies hand delivered to all nearby retail premises and residents of the Empire on 19<sup>th</sup> September 2018 giving persons until midnight on Tuesday 10<sup>th</sup> October 2018 to submit any objections. The application was also published on the Council's website.
- 5.6 Paragraph 7(2) of Schedule 4 to the 1982 Act provides that subject to sub-paragraph (3) the Council may grant consent if they think fit.  
  
Sub-paragraph (3) provides that a street trading consent shall not be granted:
  - (a) To a person under the age of 17 years; or
  - (b) For any trading in a highway to which a control order under Section 7 of the Local Government (Miscellaneous Provisions) Act 1976 is in force, other than trading to which the control order does not apply.
- 5.7 Paragraph 7(4) of Schedule 4 to the 1982 Act provides that when granting or renewing a Street Trading Consent the Council may attach such conditions to it as they consider reasonably necessary.
- 5.8 Bath and North East Somerset Council has standard Street Trading conditions (attached at **Annex C**) which are applicable to all Street Trading Consents issued by the Council.
- 5.8 Each application for a Street Trading Consent will be considered in line with the Council's current policy on Street Trading (attached at **Annex B**).
- 5.9 A plan of the area is included (**Annex D**).
- 5.10 Objections were received (**Annex F**). The grounds for the objection are:-

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

## 6 RATIONALE

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

## 7 OTHER OPTIONS CONSIDERED

- 7.1 None.

## 8 CONSULTATION

- 8.1 In accordance with the current Bath and North East Somerset Street Trading Policy, the Licensing Service consulted with Avon and Somerset Police, the Council's Highways team, Property Services, Environmental Services, Development Control, Ward Councillors and adjacent premises. A copy of the consultation document is attached (**Annex E**).
- 8.2 The report has not been sent to the Trade Unions because they would have no involvement in this application.

## 9 RISK MANAGEMENT

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

## 10 ADVICE SOUGHT

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

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



**Ian Nash**

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

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

**Name:** THOMAS ROBERT DOLLAR

**Address:**

**Phone:**

**Email:**

**NI No:**

**DoB:**

**Trading Name:** Bernard's

**Pitch:** 28

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

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

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

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

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

**Times:** 6am 4pm 7 days a week

**Type:** Small smart catering trailer.

**Attachments:**

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

**Declaration:**

I am over 17 years of age.

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

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

X 3 444  
I understand that the Consent may be revoked at any time.

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

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

The information I have given in this application is true.

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

## Annex B

Bath & North East  
Somerset Council

# Street Trading Policy

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## 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](http://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 1<sup>st</sup> 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](mailto: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

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### Standard Conditions (attached to each Street Trading Consent)

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



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

## 22. Street Trading Fees

All street trading fees are due in advance:

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

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

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

### Notes:

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

#### Schedule 4, paragraph 10

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

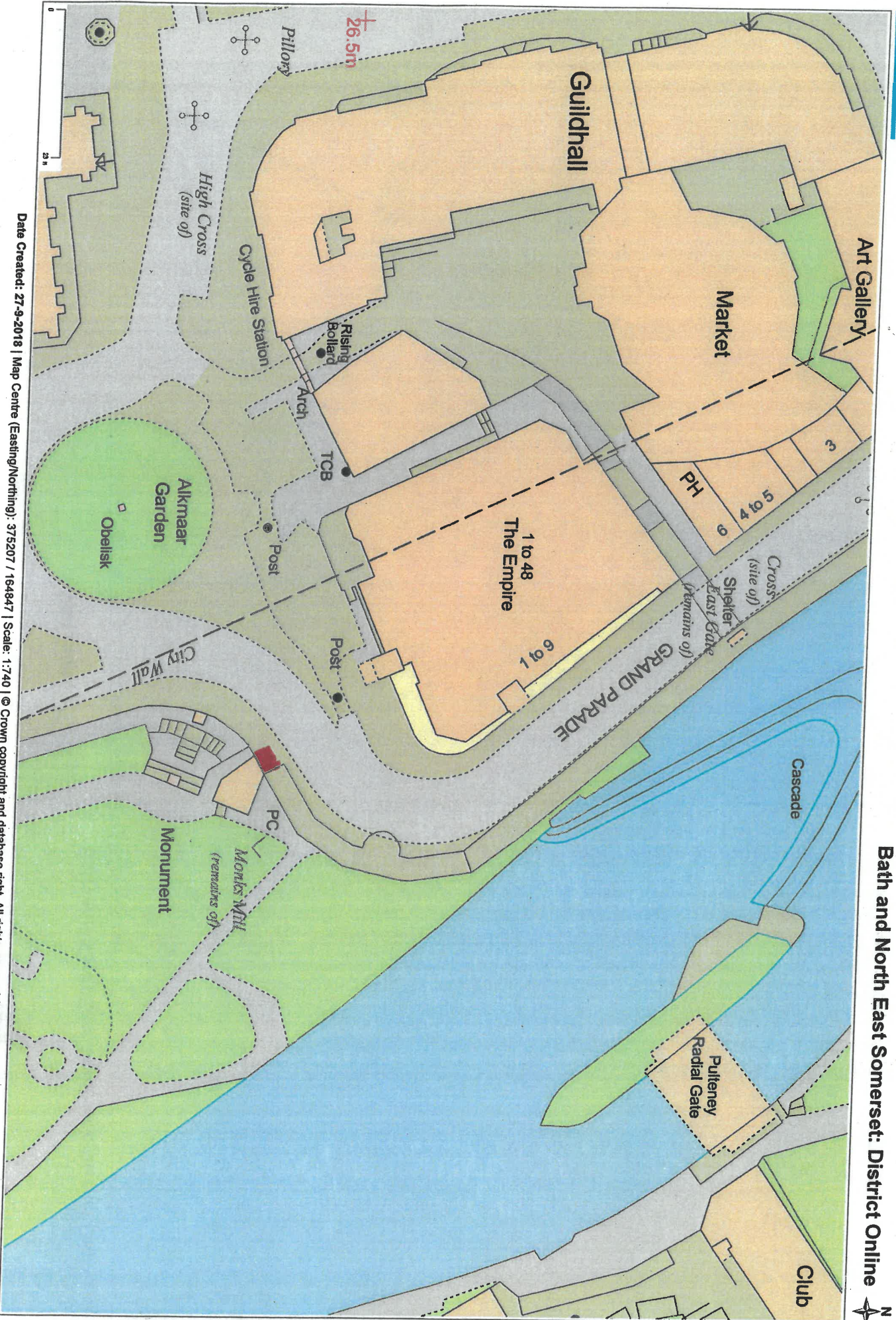
without first having been granted permission to do so under paragraph 7 (8) (of this Schedule); or
  - e) contravenes a condition imposed under paragraph 7 (9) (of this Schedule), shall be guilty of an offence.
2. It shall be a defence for a person charged with an offence under sub-paragraph (1) above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

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



Site Plan

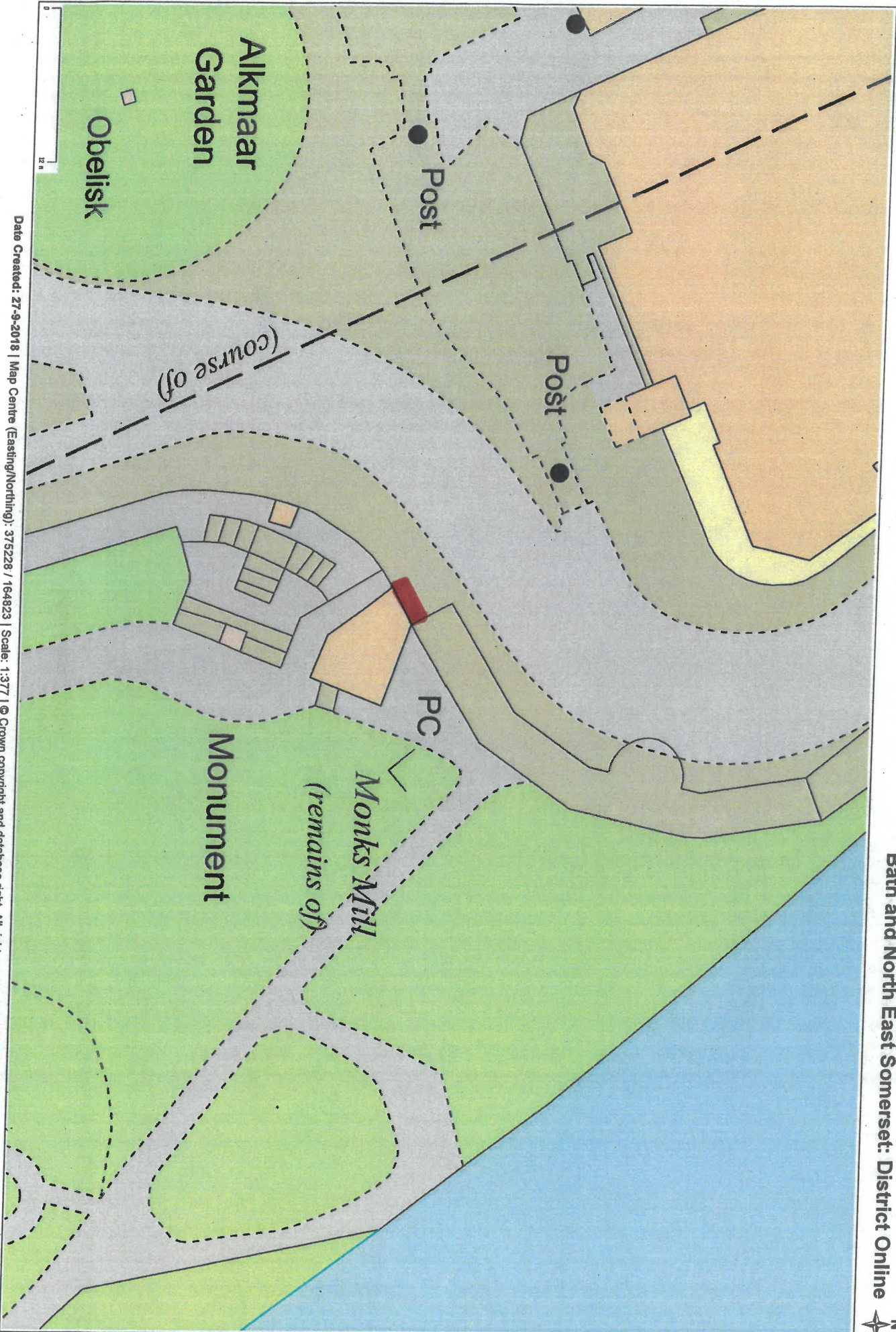
Bath and North East Somerset: District Online





Site Plan

Bath and North East Somerset: District Online



Data Created: 27-9-2018 | Map Centre (Easting/Northing): 375228 / 164823 | Scale: 1:377 | © Crown copyright and database right. All rights reserved (100023334) 2018

Application Ref. 18/02174/STTRAD

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

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

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

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

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

Dated 19 September 2018

*Cathryn Brown*

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

Email: [licensing@bathnes.gov.uk](mailto:licensing@bathnes.gov.uk)





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

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

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

1. Firstly we endorse fully the detailed objection submitted by Mrs J Mistral, citing the impact on or from:  

architectural beauty; crowded pavements; litter and smell; gulls; health and safety
2. Grand Parade is cited in descriptions of Bath as exhibiting the grandeur of a "processional route", and is a key part of this Unesco site. Hot food and drink stands are therefore totally inappropriate on its pavements, detracting from that special ambience, impeding key views of Pulteney Bridge and the river and riverside, while also disrupting the progress of tour groups and tourists.  

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

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

We therefore **OBJECT** strongly.

ANNEX F

24 SEP 2018

Bath and North East Somerset Council Licensing of Street Traders

Received

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

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

Architectural beauty  
Crowded pavements  
Litter and smell  
Gulls  
Health and safety

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

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

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

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

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

Judith Mistral  
September 21st 2018

Bath And North East  
Somerset Council

24 SEP 2018

Received

ANNEX F

21.9.18.

Dear Mr Brown,

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

I enclose my list of detailed objections  
for your consideration.

Yours sincerely,

MRS JUDITH MISTRAL

24 SEP 2018

Received

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

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

> Safety                      > Litter                      > Gulls

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

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

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

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

Dr Willm Mistral



To Cathryn Brown, Environmental Protection and Licensing Manager

ANNEX F

FROM: —

24 September 2018

Planning Application

re Bernard's Pitch, 28 Grand Parade

Received

27 SEP 2018

Bath And North East  
Somerset Council

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

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

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

(Canon G.O. FARRAN)

**Ian Nash**

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

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

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

To Ian Nash  
Banes Licensing

Dear Mr Nash

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

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

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

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

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

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

I realise that the current application involves different names.

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

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



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

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

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

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

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

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

I appreciate your consideration.

Yours sincerely,

John G East

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

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

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

Mark and Judith Rutherford

7 October 2018

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

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

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

To: Licensing

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

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

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

Mary Godfrey.