Bath & North East Somerset Council			
MEETING/ DECISION MAKER:	**Licensing Sub Committee**		
MEETING/ DECISION DATE:	**Thursday 19 October 2023**	Agenda Item Number	
TITLE:	**Application for a Tables and Chairs Permit** **Flute, 9 Edgar Buildings, Bath, BA1 2EE**		
WARD:	Kingsmead		
AN OPEN PUBLIC ITEM			
List of attachments to this report: **Annex A** – Application. **Annex B** - Plan of the proposed Tables and Chairs area (including amended plan submitted by the applicant following consultation with Highways). **Annex C** - Objections received. **Annex D** - B&NES Tables and Chairs Conditions **Annex E** - B&NES Tables and Chairs Permit Guidance Notes			

THE ISSUE

1.1 On 28 July 2023, an application was received for a Tables and Chairs Permit at Flute 9 Edgar Buildings, Bath, BA1 2EE.

2 RECOMMENDATION

2.1 That the Licensing Sub Committee determines the application.

3 THE REPORT

3.1 On 28 July 2023, an application for a Tables and Chairs permit was received from Mr Justin Wallace of The Flute Restaurant Limited, Jubilee House, London, NW9 8TZ (**Annex A)**.

3.2 The application is for an outside seating area in front of Flute, 9 Edgar Buildings, Bath, BA1 2EE.

3.3 The times applied for are 08:00 to 23:00 every day. This is a new application; no previous permissions had been sought by this business or any previous business in 9 Edgar Buildings. The dimensions of the area originally applied for are 5m x 2.69m and includes 5 tables, 13 chairs and 8 barriers.

3.4 Notification of the application was attached to bollards outside 9 Edgar Buildings, and copies of the application were hand-delivered to all nearby residential and retail premises, giving persons until midnight on 1 September 2023 to submit any objections. The application was also published on the Council's website.

3.5 A plan of the area applied for is included **(Annex B).**

Objections were received from BANES Highways Team, 5 members of the public and Councillor Paul Roper (Kingsmead Ward) **(Annex C).** The grounds for the objection are summarised below.

If permitted, concerns were raised regarding:

- Congestion in the area
- Reduced visibility for vehicles coming out of Bartlett Street.
- Reduced access to the dropped pavement on Bartlett Street.
- Reduced waiting area for the Pelican crossing over George Street.
- Effect on access for residences above the building.
- Effect on businesses nearby around public nuisance and visibility.
- That the pavement is sloped, and so is unsuitable for tables and chairs.

Objections were made as to the depiction of the planned area being inaccurate when submitted.

As well as the above summaries of objections, photographic evidence was provided to highlight the congestion in the area.

3.6 During the statutory consultation period, BANES Highways Team submitted an objection to the original application. As a result, the applicant submitted an amended plan showing a reduced number of tables and chairs applied for (See **Annex B**). BANES Highways Team withdrew their objection having considered the amended plan. A copy of the amended plan was sent to all parties who had objected to the original application.

4 STATUTORY CONSIDERATIONS

4.1 The Local Government (Miscellaneous Provisions) Act 1982 and Sections 115 A-K Highways Act 1980 give the Council discretion to grant permission to provide, maintain and operate facilities for recreation and / or refreshments on the highways subject to any reasonable conditions the Council thinks fit.

4.2 Bath and North East Somerset Council has standard Tables and Chairs Conditions, which are applicable to all Tables and Chairs Permits issued by the Council. (These are produced at **Annex D**).

4.3 Bath and North East Somerset Council has standard Tables and Chairs Permit Guidance Notes. (These are produced at **Annex E**).

4.4 When making a decision, consideration needs to be given to the Human Rights Act 1998.

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

5 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

5.1 There are no resource implications arising from this report. The costs of processing licences are covered by the fees charged.

6 RISK MANAGEMENT

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

7 CLIMATE CHANGE

The Local Government (Miscellaneous Provisions) Act 1982 and Sections 115 A-K Highways Act 1980 are prescriptive and do not take account of the climate change agenda at this time. We look forward to changes in legislation which will allow the Council to take this into consideration in the future. In the meantime, individual applicants are encouraged to consider climate change issues in the operation of their businesses.

8 OTHER OPTIONS CONSIDERED

8.1 None

9 CONSULTATION

9.1 In accordance with current Bath and North East Somerset Council Policy, the Licensing Service consulted with Avon and Somerset Police, the Council's Highways team, Property Services, Environmental Protection Team, Development Control, Ward Councillors and adjacent premises.

9.2 The Council's Monitoring Officer (Head of Legal and Democratic Services) 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.

Contact person	Jacob Booth. Public Protection Licensing Officer. Tel: 07977833220

Printed on recycled paper

Background papers	Licensing File
Please contact the report author if you need to access this report in an alternative format	

ANNEX A

Application for a Pavement Licence or a Tables and Chairs Permit

Are you applying for a:

☐ Pavement Licence ☒ Tables and Chairs Permit

If you are unsure of the differences, you can find more information here.

Please read the following guidance before you make an application. We will not be able to process your application if you have not supplied all the information and documents required.

Pavement Licence

Pavement Licence Guidance
Plan Requirements
Public Realm Guidance Notes
Public Health and Preventative Services Guidance
Conditions attached to Pavement Licences
Temporary Alcohol Licensing Provisions
Business and Planning Act 2020

Tables and Chairs

Tables and Chairs Permits Guidance
Plan Requirements
Public Realm Guidance Notes
Conditions attached to Tables and Chairs Permits
Part VIIA Highways Act 1980
Local Government (Miscellaneous Provisions) Act 1982

Do you currently hold a Pavement Licence or Tables and Chairs Permit?

☒ No ☐ Yes

Existing licence number

Date of expiry

x

Are there any changes to your current/last licence/permit? No ☐ Yes ☐

What are they?

Part 1 – Details of premises

Name of establishment/business: Flute

Address of application site: GROUND FLOOR FRONT
OFFICES 4
EDGAR BUILDINGS
CITY CENTRE

Postcode: BA1 2EE

Adjacent Premises (any affected frontages must be notified of this application): N/a

Do you propose to site your street furniture within the curtilage of any other property not managed by you? No ☐ Yes ☐

How many other properties? ☐ Please provide the address for each property

Property 1

Property 2

Property 3

Property 4

Have you consulted with the owner of each property? No ☐ Yes ☐

I understand that if my application is successful and permission is either not in place or withdrawn by the owner of any property that is affected by my street furniture, the pavement licence will be revoked ☐

Are you licensed to sell alcohol from these premises? No ☐ Yes X

Please provide your alcohol licence number: 22/00930/LAPRE

Part 2 – Details of applicant

I am an agent applying on behalf of the applicant ☐

	Agent	Applicant
Title		Mr
First name		Justin
Last name		Wallace
Company name		The Flute Restaurant Ltd
Address		Jubilee House, London
Postcode		NW9 8TZ
Telephone		[redacted]
Email		[redacted]

Part 3 – Specified area

Area(s) to be used:

X	Front of premises		Side of premises		Other

Please give details

Dimensions of the area of street to be used on the front of the premises (in metres)

Width 5.00 Depth 2.69

Dimensions of the area of street to be used on the side of the premises (in metres)

Width Depth

Dimensions of the area of street to be used in the other area of the premises (in metres)

Width Depth

Part 3 – Specified area

How many tables do you intend to place within the specified area? 5

How many chairs do you intend to place within the specified area? 13

Do you intend to place items other than tables and chairs within the proposed area? ☐ No ☒ Yes

Please give number and details of all other items of furniture including umbrellas, barriers, planters etc.

8 x Barriers
1 x Umbrella

Part 3 – Specified area

Hours during which the tables and other items will be on the street (Monday to Sunday)

Please note that all furniture and other permitted items must be placed on wheels and/or light enough to be removed by members of your staff from the permitted areas outside of the permitted days and hours.

					Check this box if closed that day
Monday	From	08:00	To	23:00	☐
Tuesday	From	08:00	To	23:00	☐
Wednesday	From	08:00	To	23:00	☐
Thursday	From	08:00	To	23:00	☐
Friday	From	08:00	To	23:00	☐
Saturday	From	08:00	To	23:00	☐
Sunday	From	08:00	To	23:00	☐

X I confirm that I will not place any furniture, or other permitted items, on the street before the permitted start time.

X I confirm that I will remove any furniture, or other permitted times, from the street by the permitted end time.

X I understand that all furniture and other permitted items must not be on the street outside of the permitted days and hours.

Part 4 – Planning permission (if available)

The Licensing Authority does not consider any planning permissions in issuing these permits as Licensing and Planning are two separate regimes. To place the tables and changes legally on the highway, you should have both these permissions in place. Further information about planning permissions can be found here:

Registered number of planning permission	
Date of expiry of planning permission	

Part 5 – Supporting documents

Please provide the following documentation to support your application:

For Tables and Chairs Permit applications -

- Photos of furniture and all other items you will be using
- Plans of the application site (see requirements) for inclusion on the Council's public register
- A copy of your public liability insurance certificate

For Pavement Licence applications –

- Photos of furniture and all other items you will be using
- Plans of the application site (see requirements) for inclusion on the Council's public register
- A copy of your public liability insurance certificate
- A photo of your premises from the outside, clearly showing where you have displayed the required notice (template is available here)
- A close-up photo of the above notice so that we can read the information you have displayed to the public
- Written consent of affected property owners if the street furniture is sited within the curtilage of any other property not managed by you (if applicable)

Please tick here to confirm that you have uploaded this evidence [X]

Please tick here to confirm that you have uploaded this evidence [X]

Please tick here to confirm that you have uploaded this evidence [X]

Please tick here to confirm that you have uploaded this evidence [ ]

Please tick here to confirm that you have uploaded this evidence [ ]

Please tick here to confirm that you have uploaded this evidence [ ]

I understand that I must attach all of the above documents, or my application will be rejected as invalid [X]

Part 6 – Declaration and indemnity

The fee for this application is: £178.00

RENEWAL ONLY – I confirm no change in the hours, ancillary furniture or other terms and conditions of the licence being sought. [ ]

NEW APPLICATION/RENEWAL – I/We declare that to the best of my/our knowledge the information contained in this application form and on the submitted plans are correct. [X]

VARIATION ONLY – I hereby apply for variation of the temporary licence for street trading. [ ]

I understand that I must correctly display a notice at my premises for the required period for any Pavement Licence application, otherwise the application will be deemed invalid and a new application and payment will be required (template is available here). [ ]

I understand that my application will be rejected if my plan does not comply with the Plan Requirements [X]

Please read the Tables and Chairs permit conditions which can be found here:
https://www.bathnes.gov.uk/sites/default/files/conditions_3.pdf

I confirm that I have read, understood and will comply with the above conditions [X]

General confirmation [X] Date 28/07/2023

Full name Justin Wallace

Part 7 - Fraud

The Council is under a duty to protect the public funds it administers and to this end may use the information you have provided on this form within the Council for the prevention and detection of fraud. It may also share this information with other bodies administering public funds for these purposes.

For further information see; https://www.bathnes.gov.uk/services/business/licences/national-fraud-initiative or contact the Information and Governance Team, Guildhall, High St, Bath BA1 5AW. Email information_governance@bathnes.gov.uk

Form Name: application for a pavement licence or a tables and chairs permit
Date Created: 28 July 2023

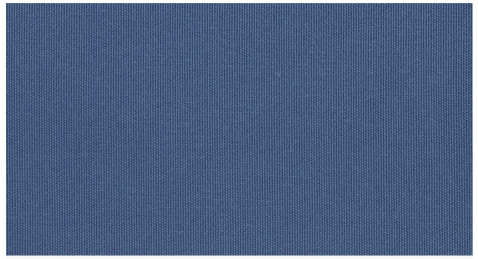
- **CHAIRS**

- Qty: 5 x Tables
- Size: 600 x 600mm
- Robinia Wood Table Top with Black Flip Top Dining Base

- **CHAIRS**

- Qty: 13 x Chairs
- Stackable wooden chairs with Steel powder coated Frames

FORTERO®



418

Cobalt

You have selected the Glatz colour 418 in fabric quality 4. This is a spun-dyed polyester fabric (100%) made of staple fibre.

UV protection: >98 %

Lightfastness: 350

Grammage: 250 g/m2

Water-pressure resistance: >150mm

Nominal size	Lateral distance	Mast Ø	Area covered	Height closed	Clear headroom	Total height	Height open	Foundation	Minimum weight for base	max. wind speed open perm.
cm	cm	cm	m^2	cm	cm	cm	cm	cm	kg	km/h (wind force)
350×250	-	5.5	8.8	110	205	335	270	70×70	90	55 (7)

8 parts
Two-part profiled mast 55 × 2.5 mm
Opposite opening principle for easy opening
Runner and crown made from robust die-cast aluminium
Screws and rivets made from stainless steel
Canopy self-tensing through flexible rib ends
Frame roof: round, square, rectangular

Natural anodised aluminium

Fabric quality 5: polyacrylic, 300 g/m², UV protection > 98 %

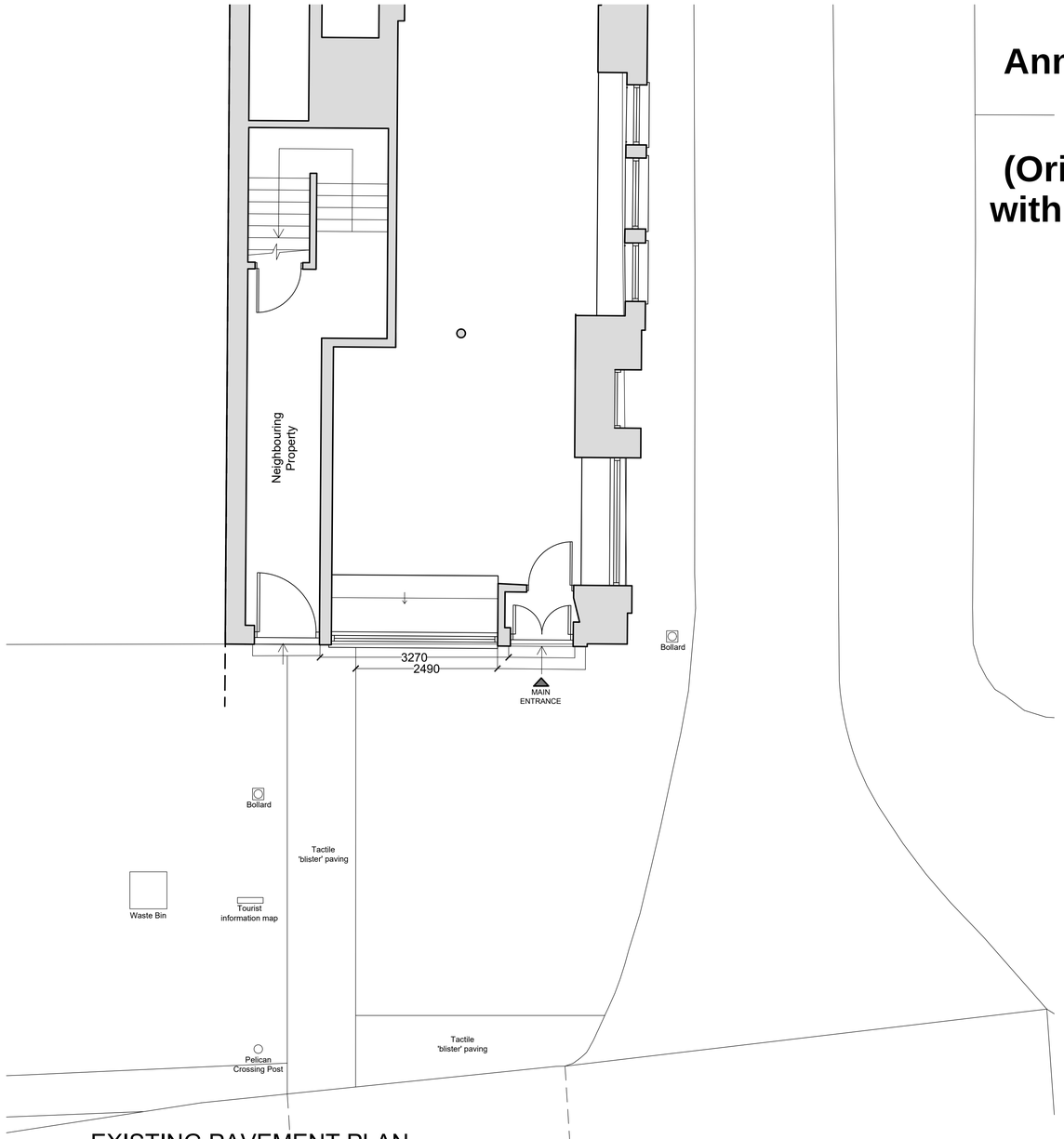
- **CAFÉ BARRIERS**
- 8 x Black Aluminium Post
- 7 x PVC banner with ‘Flute’ Logo

Form Name: application for a pavement licence or a tables and chairs permit
Date Created: 28 July 2023

Annex B

(Original plan submitted with application)

B



EXISTING PAVEMENT PLAN

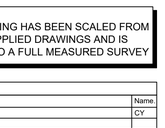
Scale 1:50 @ A1

0 1 2m

SCALE 1:50

PROPOSED PAVEMENT PLAN

Scale 1:50 @ A1



Red line indicates the proposed pavement area.

Covers
Proposed Pavement Covers - 13

NOTE:
THIS DRAWING HAS BEEN SCALED FROM CLIENT SUPPLIED DRAWINGS AND IS SUBJECT TO A FULL MEASURED SURVEY

REVISIONS

Rev.	Date.	Details.	Name.
A	06.07.23	Revised to suit following email from client.	CY

i.d.

Client: Enhanced Hospitality

Project: 9 Edgar Buildings George Street Bath BA1 2EE

Drawing Title: Existing and Proposed Pavement Plans

Drawing No: 22.002.EH.G 010

Rev: A

Scale: [redacted]

Status:

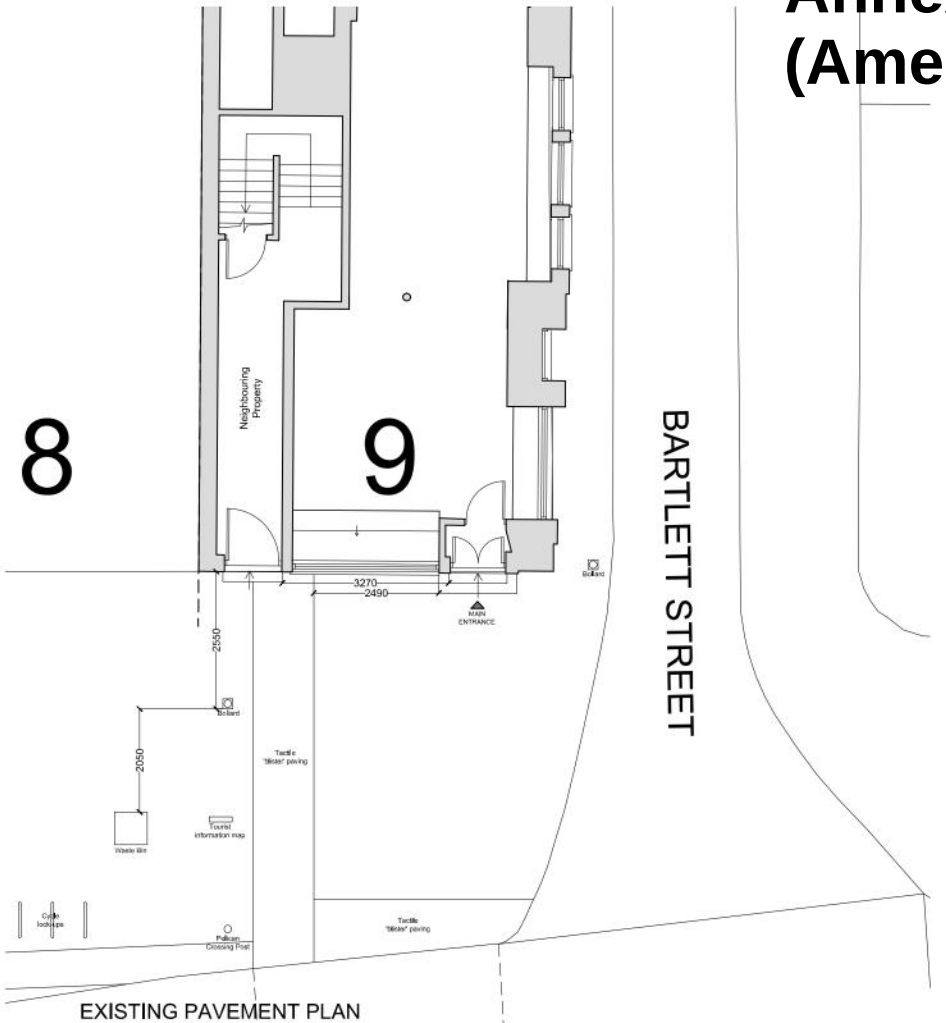
Drawn By:

Date: July 2023

All dimensions to be checked on site. Any discrepancies between this drawing and other information is to be referred to the practice. This drawing is copyright.

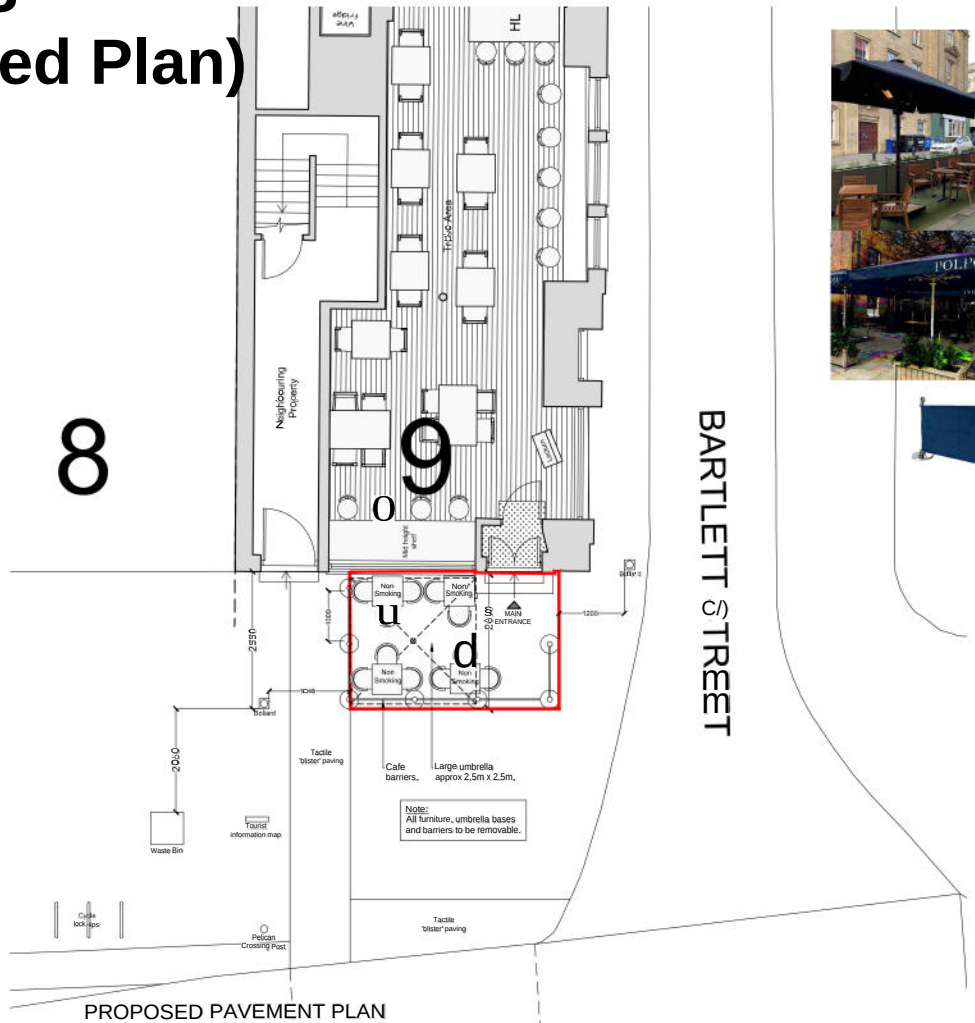
[redacted]

Annex B
(Amended Plan)



EXISTING PAVEMENT PLAN
Scale 1:50 @A1

Scale 1:50



PROPOSED PAVEMENT PLAN
Scale 1:50 @ A1

Red line indicates the proposed pavement area.

Covers
Proposed Pavement Covers - 11

NOTE:
THIS DRAWING HAS BEEN SCALED FROM CLIENT SUPPLIED DRAWINGS AND IS SUBJECT TO A FULL MEASURED SURVEY

REVISIONS

Rev.	Date.	Details.	Name.
A	06.07.23	Revised to suit following email from client.	CY
B	31.07.23	Revised to suit following letter of invalidation.	CY
C	02.08.23	Amended as per email 01.7.23.	CY
D	04.09.23	Amended as per email 01.9.23	FB

design i.d.

Client: Enhanced Hospitality

Project: 9 Edgar Buildings George Street Bath BA1 2EE

Drawing Title: Existing and Proposed Pavement Plans

22.002.EH.G.010

Rev: D

Scale: 1:50 (~A1)

Status:

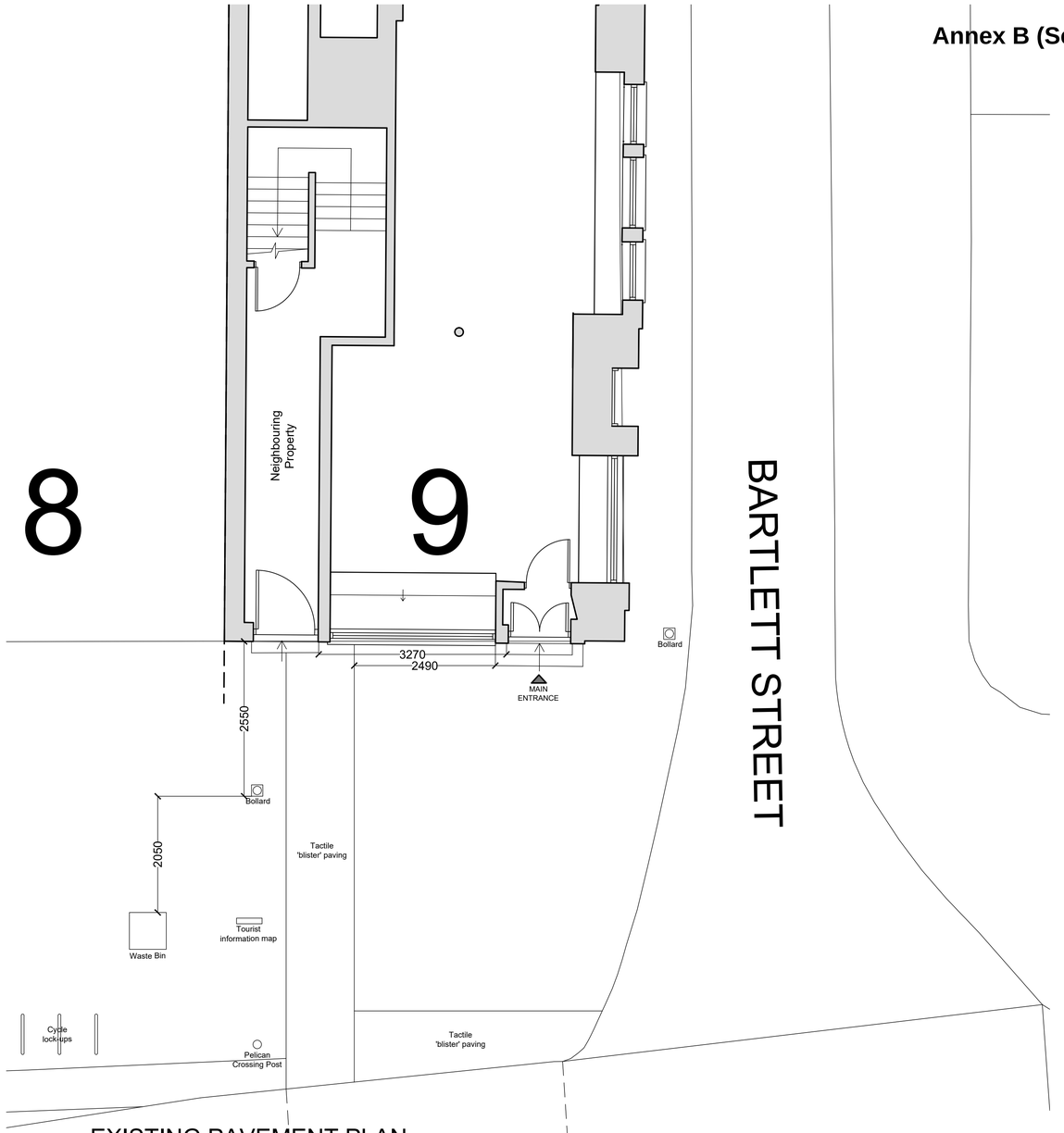
Drawn By:

Date: July 2023

tait

13 Jubilee Way, Eurolink Business Centre, Faversham, Kent, ME13 8GD
Tel: 01795 537896 Fax: 08712 516713 E-mail: mail@design-i.ltd.uk

Annex B (Second and Final Amended Plan)



EXISTING PAVEMENT PLAN

Scale 1:50 @ A1

0 1 2m

SCALE 1:50

PROPOSED PAVEMENT PLAN

Scale 1:50 @ A1

Red line indicates the proposed pavement area.

Covers
Proposed Pavement Covers - 11

NOTE:
THIS DRAWING HAS BEEN SCALED FROM CLIENT SUPPLIED DRAWINGS AND IS SUBJECT TO A FULL MEASURED SURVEY

REVISIONS

Rev.	Date.	Details.	Name.
A	06.07.23	Revised to suit following email from client.	CY
B	31.07.23	Revised to suit following letter of invalidation.	CY
C	02.08.23	Amended as per email 01/08/23.	CY
D	04.09.23	Amended as per email 04/09/23.	FB
E	18.09.23	Amended as per email.	FB

design i.d.

Client: Enhanced Hospitality

Project: 9 Edgar Buildings George Street Bath BA1 2EE

Drawing Title: Existing and Proposed Pavement Plans

Drawing No: 22.002.EH.G 010

Rev: E

Scale: 1:50 @ A1

Status:

Drawn By:

Date: Sept 2023

All dimensions to be checked on site and any discrepancies between the drawing and other information is to be referred to the practice. This drawing is copyright.

[redacted]h-id.ltd.uk

Annex C - Objection S Merriweather

From: Simon Merriweather <[redacted]>
Sent: 24 August 2023 17:50
To: Licensing <Licensing@BATHNES.GOV.UK>
Subject: Ref: 23/01441/TABLE

Dear BANES,

I am responding to this by email as the licence database does not seem to have a function to post comments.

In reference to the above application for the restaurant at 9 Edgar Buildings to place 5 tables with 13 chairs on the terrace outside their restaurant, I have the following comments, made in the context of being a nearby resident.

In principle it would fit with the ambiance of George St to have outside tables and chairs.

In practice I think this is both highly restrictive and potentially dangerous. This is because it is a very constricted area, with the pedestrian crossing arriving by this location which gets extremely busy with multiple users every 3-4 mins in peak times. Bartlett St is very narrow at the exit by this area and is a busy thorough fair for tourists, including regular large touring parties, party goers and residents being funnelled into a very small exit area. Finally the single track road is used as a reversing area by legitimate vehicles having to reverse out onto George Street over the pedestrian crossing to allow delivery vehicles to exit. The furniture and clients would increase the restricted vision of these vehicles to people and vehicles.

This increase the risk of incident of collision of traffic with people moving through a smaller area. If you are mindful to progress I suggest a full traffic and pedestrian flow survey be undertaken before permission is given to project the impact across the days and time of day involved.

Regards

Simon

Simon Merriweather

[redacted]

Annex C - Objection S Merriweather (continued)

From: Simon Merriweather <[redacted]
Sent: Thursday, August 31, 2023 12:40 PM
To: Jacob Booth <Jacob_Booth@BATHNES.GOV.UK>
Subject: Re: Ref: 23/01441/TABLE

Hello Jacob,

I wanted to highlight concerns over people flows and safety. I would have through both are really important to BANES.

If the applicant can demonstrate that they have considered this with independent review which explains why this wouldn't be the case then I could withdraw the comments.

By the way, here are photos of a 5 vehicle block up this morning that I was part of. It required 4 vehicles to reverse out of Bartlett St and into George Street over the crossing.

Regards

Simon

Simon Merriweather

[redacted]

Annex C - Objection Paul Kentish

-----Original Message-----
From: Paul Kentish <[redacted]>
Sent: 23 August 2023 14:07
To: Licensing <Licensing@BATHNES.GOV.UK>
Subject: Re: Application 23/01441/Table - 9 Edgar Buildings, BA1 2EE

Sent from my iPad

> On 23 Aug 2023, at 13:54, Paul Kentish <[redacted]> wrote:
>
> For the attention of Jacob Booth
>>
>> I am a local resident who uses Bartlett Street and George Street on a regular basis.
>> I have no objection to George Street being a hospitality area nor to the licence or use of 9 Edgar Buildings as proposed nor to external tables and chairs.
>> Elsewhere along George Street I would not be objecting to this application but it is the specific conflation in this particular position of street furniture, the pelican crossing, the junction of Bartlett Street ,the lowered pavements and general lack of "suitable " remaining " access" for all categories of user which compels me to do so.
>> The proposal seeks permission for 13 chairs and assorted tables within cloth barriers and some under a retractable canopy umbrella. The sought " permitted area" illustrated on the submitted drawing is qualified by being " subject to a full measured survey". Observation on site would suggest that the alignment of the kerb (the west side of the mouth of Bartlett street)is not accurately drawn . This has important consequences for understanding what is the actual remaining pavement width for movements down the west side of Bartlett street as it flows into the Edgar Buildings frontage.A proper understanding of this is of particular significance as entry to 9 Edgar Buildings is taken from this point and through the " permitted area" and also due to the adjacent position of the two lowered kerbs enabling passage for all across the cobbled Bartlett street . The area is small to survey and a request that this be undertaken should be made of the applicant together with the identification on it of the lowered kerbs on either side of Bartlett street.
>> Matters which make this application unacceptable are fourfold:
>> 1.The presence of existing street furniture- visitors looking at the tourist information map will be standing in the middle of what will become the only public access width along Edgar Buildings and others parking their bicycle,dropping off or picking up their scooter, or using the litter bin will not be helping .
>> 2.The adjacency of the pelican crossing- this together with it's push button operation manages traffic flows along the A4 and resident and particularly visitor movements across it .The crossing acts as a pivotal link between the Royal Crescent / Circus/ Assembly Rooms area and the City Centre. At many times of day several residents wait to cross and more often than not are joined by visitors individually or in group tours. Should this application be approved the waiting area will be unacceptably reduced along with its consequences for movements along the Edgar Buildings frontage.
>> 3.The location of the junction of Bartlett Street - this is immediately beside the proposed " permitted area". Bartlett street is used for servicing of properties within it

as well as along Edgar Buildings/ George Street as well as providing private parking. It has a narrow footpath on its west side as it flows into Edgar Buildings and a wider more generally used footpath on the other side. Bartlett street is cobbled and has lowered kerbs on either side providing access across it for prams, wheelchairs, motorised buggies etc. to continue along Edgar Buildings or to use the crossing.Access movements in this area are bound to be adversely impacted by use of the “ permitted area” including the only form of access to 9 Edgar Buildings being through it from the side.
>
>> 4.The cumulative effect of the above further rendering the use of the Edgar Buildings frontage without the “ permitted area” unsuitable as a reasonable footway / route for all members of the public and putting their safety at risk.
>>
> Paul Kentish
>
>> Sent from my iPad

Annex C - Objection Paul Kentish (continued)

From: Paul Kentish <[redacted]>
Sent: 26 August 2023 18:07
To: Licensing <Licensing@BATHNES.GOV.UK>
Subject: Re: New Application - Flute Ref. 23/01441/TABLE

Within my objection to the above licensing application for tables and chairs I encouraged you to seek from the applicant a drawing resulting from site survey. In support of this request I attach below three photographs of the pavement which I took yesterday ,prior to which I had marked on it with chalk the position of the proposed " corner post" for the cloth balustrade. This you will see below as a L.
These photos show:
1. The submitted drawing is inaccurate
2.Part of the proposed " permitted area" is on a sloping piece of paving which questions its suitability as a base for tables and chairs
3.The position of the " corner post" would restrict the width of usable dropped kerb to the disbenefit of users in particular of motorised buggies or with prams or wheelchairs or less able
4.The position of the " corner post" sits within a recognised design of angled pavement from the top and sides and so is unsuitable for and should not even qualify for consideration as part of a "permitted area"
5.There is no passing space other than within the cobbled roadway for those accessing/ leaving Flute (the access to / egress from is from the side of the permitted area) with those using the west side pavement of Bartlett Street.

Paul Kentish

THE
PERSEPHONE
BOOKSHOP
IS
OPEN

Annex C - Objection Paul Kentish (continued)

From: Paul Kentish [redacted]
Sent: Wednesday, September 13, 2023 12:45 PM
To: Jacob Booth <Jacob_Booth@bathnes.gov.uk>
Subject: Flute -Tables and Chairs application

Hi Jacob,
I would respond to the applicant's amended plan for tables and chairs at 9 Edgar Buildings. As far as I can see the amendment moves the western boundary inboard so that it does not include the tactile area but otherwise the boundary of the " permitted area" remains the same.
My objection on all counts remains despite this amendment which does not go to the core of the issues which I have raised.
I am disappointed that ,despite asking that you request a site survey, none has been provided by the applicant. I would again draw to your attention by way of the photograph below,how the permitted area sought overlaps with the sloping pavement - this is edged in red, The south eastern corner of the proposed permitted area is shown in white chalk within the red edging. Could you please draw this to the applicant's attention as well as requesting a site survey before the meeting of the sub licensing committee which I see has been delayed to 5 October.

I look forward to receipt of your response.
Paul Kentish
Sent from my iPad

Annex C - Objection George Feiger

From: George Feiger <[redacted]>
Sent: 30 August 2023 18:06
To: Malcolm Baldwin <[redacted]
Cc: Licensing <Licensing@BATHNES.GOV.UK>; Paul Roper (CLLR) <Paul_Roper@BATHNES.GOV.UK>
Subject: Re: Reference: 23/01441/ TABLE - "Flute", Edgar Buildings/Bartlett Street.

Malcolm, I wholeheartedly agree, not least because I use the street and the crossing at least once a day and can attest to everything you say.

Regards

George Feiger
[redacted]

Annex C - Objection Malcolm Baldwin

From: Malcolm Baldwin [redacted]
Sent: 30 August 2023 17:55
To: Licensing <Licensing@BATHNES.GOV.UK>
Cc: Paul Roper (CLLR) <Paul_Roper@BATHNES.GOV.UK>; George Feiger [redacted]>
Subject: Reference: 23/01441/ TABLE - "Flute", Edgar Buildings/Bartlett Street.

For the attention of Mr Jacob Booth, Case Officer, Licensing Department.

Dear Mr Booth,

I would like to strongly object to the application for a tables and chairs licence for the currently being re-furbished property to be known as the "Flute" located at 9 Edgar Buildings, Bath.

I write to you as Chair of the Circus Area Residents Association, whose residential catchment area includes the north-side of George Street (which includes a not insignificant number of residential properties located above ground-floor business premises) and such closely located residential streets such as Bartlett Street, St.Andrews Terrace, Miles Buildings and others.

Having been contacted by a number of local and very concerned residents and indeed by other wider-located residents, who regularly use the often very busy pedestrian crossing-point from the north-side to the south-side of George Street and vice-versa, we would wish to emphasise that any granting of this particular licence would be seriously flawed both in terms of acute safety issues as well as for other reasons which we also identify below:

● The entire foot-fall area in front of 9 Edgars Buildings is an extremely busy and well-used pedestrian 'cross-roads' for those pedestrians:

• Moving down Bartlett Street to access the pedestrian crossing leading to, in particular, both Milsom Street and Broad Street and the areas beyond. Additionally, some of this footfall that approaches from the Bartlett Street direction and once it reaches the corner with George Street will often wish to turn sharp right to access the various commercial, retail (e.g. the "Persephone Bookshop") and perhaps the other hospitality businesses located throughout that north-side of George Street.

• Considerable movement of pedestrians across the entire frontage of 9 Edgar Buildings also occurs from the eastern side of George Street, across the cobbled area at the Bartlett Street entry-point, again to access the various residential and business premises located to the left of the applicants premises. Apart from the aforementioned residences, the businesses for which regular access is required include: dentist's surgerys, the citizen advice bureau, the "Persephone Bookshop", various professional offices and indeed other existing hospitality businesses.

• The considerable movement of pedestrians, both local residents and tourists/visitors, in a northern direction from Milsom Street to access Bartlett Street and the more general "Bartlett Quarter" area also creates further significant foot-fall, all needing unimpeded access to the pavement area external to 9 Edgar Buildings once they have crossed onto the north-side of George Street.

All of the above identified pedestrian foot-fall activity, often coming simultaneously from different directions, we emphasise can only be safely accomodated with retained completely free access to the entire pavement area between the applicant's premises and the often significantly 'over-loaded' pedestrian crossing.

●There are indeed further concerns in terms of pedestrian safety, were this application granted, these include:

• The nature of the pavement area approaching Bartlett Street is cambered/sloping. As such it is already reasonably difficult for pedestrians to 'manoeuvre' around into the cobbled area of Bartlett Street, more impediments such as tables and chairs in what is primarily an important pedestrian thoroughfare access point/'holding point' would be extremely unsafe to even countenance.

• A sloping lowered pavement/kerb access point to assist the disabled, their mobility 'scooters' and less mobile pedestrians in general is an important part of the current structure of this corner-point ..... the siting of tables and chairs at any point in front of the premises of 9 Edgar Buildings would seriously impede and potentially jeopardise the safety of less mobile locals and visitors alike.

• The access point to Bartlett Street (on this particular corner of George Street) is regularly used by private and commercial vehicles to access residences in St. Andrews Terrace or to make deliveries to commercial premises in Bartlett Street.....this can occur at any time during the day or night.

This often involves vehicles reversing out of the cobbled area of Bartlett Street into George Street itself or conversely reversing from George Street into Bartlett Street in VERY close proximity to the pavement area fronting the applicant's premises. Any additional restrictions of free movement of pedestrians at this corner point or on it having restricted use as a 'holding area' for pedestrians, to allow these vehicles to enter and accomplish their manoeuvres, will create a considerable safety hazard.

• The above listed serious concerns will be further 'magnified' in the future as foot-fall in this particular pavement area increases as access to a re-opened "Assembly Rooms" becomes a reality, to the north of this pavement access point, and a regenerated Milsom Quarter (a key stated strategy of our current Council) creates even greater and greater pedestrian volumes on this important corner/pavement route in both north/south directions.

● I attach an image of a quite typical busy current afternoon at the location in question, probably worth highlighting:

• One private car trying to enter Bartlett Street whilst a commercial delivery van attempts to reverse out (left reversing light evident in image!).

• Large amount of pedestrians, some locals and some visitors, waiting to cross pedestrian crossing to George Street.

• A number of pedestrians trying to 'navigate' between the side elevation of 9 Edgar Buildings and a bollard to access Bartlett Street.

• A number of the large pedestrian group also attempting to cross the Bartlett Street cobbles from west to east (there was, on this occasion, also pedestrian foot-fall in the east-west direction albeit not evident in the image).

● Finally, but by no means least, we are concerned with the impact of this application on a key retail outlet, the "Persephone Bookshop" located on the north side of George Street which is less likely to be identified by potential customers who use the pedestrian crossing in either direction (north or south).

Additional street furniture, in addition to the close proximity of permanent street fixtures such as a large litter bin, a tourist-guide 'plinth' and various bollards (all quite necessary) is likely at best to 'confuse' the view towards the frontage of this important local independent retailer and may well inhibit its business activities.

We have, after all, at least as much responsibility to protect the interests of our diminishing in number local independent retail outlets as we do to protect the interests of our hospitality sector ..... some might even suggest that we actually have greater responsibility to more effectively manage the balance between hospitality and retail sectors!

Similarly, residents living above the applicant's premises will find their own exit impeded by not being able to immediately turn right upon exiting their doorway.....a not insignificant aspect for consideration.

As a residents association, I would emphasise, we are extremely supportive of the vast majority of our local businesses. Indeed, we have ourselves initiated activities to assist in 'regenerating' some of our key combined residential and business precincts, but the serious safety implications of this particular licence application necessitates us to object strongly to it being granted and we respectfully request that should it not be withdrawn by the applicant that it is at the very least referred to the appropriate Licensing Sub-committee for most careful and exacting consideration.

Yours sincerely,

Malcolm Baldwin.

Chair - Circus Area Residents Association

Contact: [redacted]

Tel: [redacted]

EDGARS
EDGARS FOODS
PERSEPHONE BOOKS
RAISE
WX71 KOD
01380

Annex C - Objection Malcolm Baldwin (continued)

From: Malcolm Baldwin [redacted]
Sent: Monday, September 11, 2023 8:39 PM
To: Jacob Booth <Jacob_Booth@bathnes.gov.uk>
Subject: Flute Modified Plan 23/01441/TABLE

Good evening Jacob,

thank you for forwarding the applicant's revision to the original application.

However, for the avoidance of doubt, we would also regard this amendment as unacceptable. As you will see from the image attached to the CARA objection to the original application, this whole area between the "Flute" frontage and the pedestrian crossing is, from a public safety perspective, an essential holding area for what are often significant pedestrian groups including disabled and the less mobile individuals waiting to cross to the south-side of George Street.

Indeed, it should be noted that the image mentioned above was a reflection of normal weekend pedestrian activity, without any reflected additional pedestrian footfall relating to bank holidays, Christmas Markets or for example Food-Festival activity periods.

The ability for the disabled (some on mobility scooters) and the less mobile to have unimpeded and safe access to the only pedestrian crossing in the entire length of George Street is essential alongside that of general pedestrian footfall.

With traffic also regularly accessing and exiting the narrow cobbled entrance to Bartlett Street, in our considered view, the applicant's modification to the original application would remain a serious likelihood of creating an environment for an 'accident waiting to happen'.

I would appreciate this additional note, if possible please, to be included in the documentation pack for consideration by the Licensing Sub-Committee together with the applicant's modification proposal.

With best regards,

Malcolm.

CARA.

Contact:

E-mail: [redacted]

Tel: [redacted]

Annex C-Objection Malcolm Baldwin (continued)

From: Malcolm Baldwin <[redacted]>
Sent: Thursday, September 14, 2023 2:55 PM
To: Jacob Booth <Jacob_Booth@bathnes.gov.uk>
Subject: "Flute" objection to tables and chairs licensing.

Good afternoon Jacob,

please find below an image of another addition to the 'street furniture' situated very close to the area requested for tables and chairs by "Flute".

In addition to the 'holding area' required for, on regular occasions, large numbers of pedestrians there will be a requirement for even more space for eco-scooter users wishing to compete for use of the same 'holding area' (to avoid lifting over the high kerb in George Street) to collect and deposit these electric bikes and scooters

Would appreciate, if possible please, as the Sub-committee meeting is now delayed until 5th October for this above point to also be submitted for consideration by the Committee.

With best regards,

Malcolm.

CARA.

E-mail: [redacted]

Tel: [redacted]

WEST bike
TIER
tier.app
BigBelly
SOLAR

Annex C - Objection Cllr Roper

From: Paul Roper (CLLR)
Sent: Thu, 31 Aug 2023 12:28:44 +0000
To: Jacob Booth
Cc: George Tomlin (CLLR)
Subject: RE: FLute - 9 Edgar Buildings

Hi Jacob,
Yes I would like to object please.
I will send you the email with the license renewal application.
Might others have this error ? – because to be honest if it is a renewal I don't pay them that much attention unless I am aware of any complaints. Anyway I will leave that with you.
Kind regards,
Paul

From: Jacob Booth <Jacob_Booth@BATHNES.GOV.UK>
Sent: Thursday, August 31, 2023 11:41 AM
To: Paul Roper (CLLR) <Paul_Roper@BATHNES.GOV.UK>
Cc: George Tomlin (CLLR) <George_Tomlin@BATHNES.GOV.UK>
Subject: RE: FLute - 9 Edgar Buildings

Good Morning Cllrs,

We can confirm that 9 Edgar Building does not have or ever had a Tables and Chairs permit under this business name or any other business running from 9 Edgar Buildings. Therefore I am unsure why this is showing as a renewal and will look into it.

While it would be improper for me to voice an opinion in relation to this application I can tell you both confidentially that as well as Malcolm Baldwin's objection we currently have 4 other members of the public objecting as well as B&NES Highways, all on similar grounds. B&NES Highways has also highlighted that part of the area will encroach on the tactile pavement.

We have offered the applicant's representative an option to modify the area, with all these objections in mind, as a last chance to overturn the objectors.

However, the Last Day for Representation is 02.09.23. It is therefore likely that this application will be submitted to a licensing sub-committee for a decision unless the applicant withdraws the application.

Please can you clarify if you would like to formally object to this application?

As always, if you need further clarity please do not hesitate to contact us.

Regards

Jacob Booth | Public Protection Officer | Public Protection and Health Improvement Service | Bath and North East Somerset Council
Email: Jacob_Booth@bathnes.gov.uk
Mobile: [redacted]

Bath & North East Somerset Council

Improving People's Lives

From: Paul Roper (CLLR) <Paul_Roper@BATHNES.GOV.UK>
Sent: Thursday, August 31, 2023 11:19 AM
To: Jacob Booth <Jacob_Booth@BATHNES.GOV.UK>
Cc: George Tomlin (CLLR) <George_Tomlin@BATHNES.GOV.UK>
Subject: FLute - 9 Edgar Buildings

Hi Jacob,

Ref Malcolm Baldwin's email.
I am confused. I saw this license application and it is a renewal – same as last year.
Malcolm's email lead me to thing it was a new application.
I have never seen any table and chairs in this location. Is this a case that the license was previously granted but never used ?
It's a lot of tables and chairs. I am inclined to agree with Malcom's point.
Thoughts please ?
Best….

Paul

Councillor Paul Roper
Councillor for Kingsmead
Cabinet Member for Economic and Cultural Sustainable Development
Telephone: [redacted]
Mobile: [redacted]
Email: Paul_Roper@bathnes.gov.uk
www.bathnes.gov.uk

Bath & North East Somerset Council

Improving People's Lives

Bold Empowered Supportive Transparent

Annex C - Objection Cllr Roper (continued)

From: Paul Roper (CLLR) <Paul_Roper@BATHNES.GOV.UK>
Sent: Tuesday, September 12, 2023 2:20 PM
To: Jacob Booth <Jacob_Booth@BATHNES.GOV.UK>
Cc: George Tomlin (CLLR) <George_Tomlin@bathnes.gov.uk>
Subject: RE: Flute Modified Plan 23/01441/TABLE

Hi Jacob,

I object to this application. It is still too big in this area by the pedestrian crossing.
It also impinges on the pavement in an area that is already difficult to negotiate safely.
Also the barriers are unnecessary.
Thanks
Paul

From: Jacob Booth <Jacob_Booth@BATHNES.GOV.UK>
Sent: Monday, September 11, 2023 11:44 AM
Subject: Flute Modified Plan 23/01441/TABLE

Hello,

In light of the upcoming Licensing Sub-Committee on **21 September 2023**, representatives for Flute have supplied a modified plan for the consideration of objectors before this date.

Likewise, the Licensing Sub-Committee Report will be sent to everyone in the coming days.

Kind Regards

Jacob Booth | Public Protection Officer | Public Protection and Health Improvement Service | Bath and North East Somerset Council
Email: Jacob_Booth@bathnes.gov.uk
Mobile: 07977833220

Bath & North East Somerset Council

Improving People's Lives

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Annex C - Objection Georgia Nixon and Ifan Jackson

Dear Mr Williams,

We are writing to you as tenants of the property directly above the planned bar ‘Flute’ at 9 Edgar Buildings regarding their licensing application under reference 23/01441/TABLE. Our concerns are as follows:

Noise Disturbance: The proposed operating hours for the outside tables until 11pm raise concerns about noise disturbance for residents in the flat above the restaurant. Noise from patrons, chairs and tables being moved and cleared would result in increased noise levels for residents of the building. Unlike other premises with tables outside, 9 Edgar Buildings is, we believe, unique in the fact it has residents living on the first floor, directly above the operating business.

Pedestrian Crossing: The restaurant's location is directly opposite the main pedestrian crossing on Edgars Buildings/George Street and is an area of extremely high foot traffic. Large tourist groups often result in congestion backing up to within a metre or two of the front of the premises. We are concerned the additional outdoor seating might contribute to congestion at this crossing, potentially compromising pedestrian safety. Other premises with tables outside have far larger pavement areas and are not in close proximity to the pedestrian crossing.

Accessibility Concerns: The proximity to the pedestrian crossing and regular congestion of the area, combined with the presence of outdoor tables from the plans submitted, would appear to partly obstruct the dropped accessible curb for access to Bartlett Street/ 1 - 4 George Street, making it difficult for individuals with disabilities to access the curb ramp easily and safely.

Bin Collection: At present, residents of 9 Edgars Building are required by the council to place household waste at the front of the building after 9pm on Wednesday, for collection throughout Thursday. Household waste is often collected later than 8am, from separate waste and recycling collectors. If granted, the license under current conditions, would mean we would have to place our waste outside of 8 Edgar Buildings to avoid the presence of diners, tables and chairs. We believe this would have a negative impact on the neighbouring business, Persephone Books, as rubbish bags would be left outside its business during its current hours of operation. Additionally, we believe this could result in an environmental health issue, as patrons outside would be extremely close to rubbish bags, causing a potential hygiene problem.

We understand that there are multiple licensed restaurants and bars on this street with outdoor areas of seating. However, we feel this application is not comparable to the other premises on Edgar Buildings/George Streets for the reasons listed above and the application for a chairs and table license should not be granted in its current form.

Kind regards,
Georgia Nixon and Ifan Jackson

Annex C - Objection BANES Highways

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

From: Daniel Friel <Daniel_Friel@BATHNES.GOV.UK>

Sent: 22 August 2023 10:48

To: Licensing <Licensing@BATHNES.GOV.UK>

Cc: Rebecca Horton <rebecca_horton@bathnes.gov.uk>; Christian Mead <Christian_Mead@BATHNES.GOV.UK>

Subject: RE: Table and Chairs Permit at Flute Ref. 23/01441/TABLE

Good morning team,

We have reviewed this licence application with colleagues in the highways team.

It is noted that the proposal would obstruct the tactile paving at the signalled crossing. This needs to remain clear of obstruction, to ensure it can continue to be used by the visually impaired to "find" the crossing location (which is the purpose of the paving and the reason it is laid to the rear of the footway at each formal crossing location). Given this, the TDM team object to the proposed licence area because there would be an increased risk to those with a mobility or visually impairment.

Other than the above, there are no further concerns regarding the licence proposals.

Dan

Dan Friel BA MA CMILT

Principal Engineer – Transport Development Management Sustainable Communities Bath & North East Somerset Council

Annex C - Objection BANES Highways - Withdrawn

Morning Jake,

Having reviewed the amended plan, the highway authority would not object to the licence application if the layout was delivered as now presented. The alterations would mean that the tactile paving is avoided, and this would overcome the earlier safety concerns.

Regards, Dan

Dan Friel BA MA CMILT

Principal Engineer – Transport Development Management

Sustainable Communities

Bath & North East Somerset Council

Annex C - Second and Final Plan sent from Applicant

From: Piers Warne [redacted]
Sent: 20 September 2023 14:21
To: Jacob Booth <Jacob_Booth@BATHNES.GOV.UK>
Cc: Alex Lupo [redacted]
Subject: RE: New Application - Flute Ref. 23/01441/TABLE

Good afternoon Jacob

We have amended the plan to remove the two barriers immediately outside the front of the premises and nearest to the road. Measurements are on the plan. Please let me know if you need anything further.

Can you confirm that we will be going ahead on the 5 October please.

Many thanks for your assistance.

Kind regards

Piers

Piers Warne
[redacted]

Updated guidance on the COVID relaxation allowing all premises licence holders to carry out off sales can be found here

The permission will lapse on 31 March 2025, unless the temporary period is extended by regulations made by the Secretary of State or is otherwise suspended, removed or varied.

Bath & North East Somerset Council

Annex D

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982
PART VIIA HIGHWAYS ACT 1980
PERMISSION TO PLACE AMENITIES ON THE HIGHWAY

CONDITIONS

1 The holder(s) of this Permission shall not exercise privileges granted by this Permission otherwise than strictly in accordance with this Permission.

2 The holder(s) shall produce this Permission on demand when so required by a Police Officer or a duly authorised Officer of the Bath & North East Somerset Council.

3 The holder(s) shall return this Permission to the Service Manager immediately on revocation of this Permission.

4 The holder(s) shall not cause any unnecessary obstruction of the highways or danger to persons using it and shall not permit persons to gather so as to cause a nuisance or annoyance or danger to any persons lawfully using the highway.

5 The holder(s) shall not use or suffer or permit any music playing music reproduction or sound amplification apparatus or any musical instruments, radio or television receiving sets whilst exercising privileges granted by this Permission.

6 The holder(s) shall not make any excavations or indentations of any description whatsoever in the surface of the highway or place or fix any equipment of any description in the said surface.

7 The holder(s) shall not use the highway for any other purpose whatsoever nor at any time other than during the permitted hours, other than lawfully passing or re-passing thereover as (a) member(s) or the public.

8 The holder(s) shall not place on the highway any furniture or equipment or advertisement other than as permitted by the Council and must maintain the same in a clean and tidy condition and not place them so as to obstruct the entrance to or exit from any premises.

9 Notwithstanding the specific requirement in Condition 5 above the holder(s) shall not do or suffer anything to be done in or on the highway which in the opinion of the Bath & North East Somerset Council may be or become a danger, nuisance or annoyance to or cause damage or inconvenience to the said Council or to the owners or occupiers of any adjacent or neighbouring premises or to members of the public.

10 The holder(s) shall not assign, underlet or part with any interest or possession given by this Permission or any part thereof but the holder(s) may surrender it at any time.

11 The holder(s) shall observe and comply with any directions in relation to the use of the highway given by the Service Manager, or the Head of Engineering Services for the time being of the Bath & North East Somerset Council. Examples include the temporary removal of amenities during road closures, parades etc.

12 The holder(s) shall maintain the area shown on the plan attached to this Permission and edged in red, and the immediately adjacent area, in a clean and tidy condition during the permitted hours and shall leave the same in a clean and tidy condition and unobstructed, which shall include washing down the area, at the end of each daily period of use and on revocation or surrender of this Permission.

13 The holder(s) shall provide litter bins or similar receptacles for the deposit of cartons, wrappers, containers and similar discarded items if required by the Head of Engineering Services and ensure that the same are emptied daily.

14 The holder(s) shall remove all furniture or equipment, litter bins or other articles placed on the highway in accordance with this Permission at the expiry, surrender or revocation of the Permission.

15 The holder(s) shall indemnify and save harmless the Bath & North East Somerset Council their agents, servants and workmen from and against all proceedings, claims, damages, costs or expenses in respect of any injury (including personal injury) in damage or loss which may be sustained by the Council or any person or persons, body or company whatever arising out of or in any way connected with the provision or use of facilities under this Permission, accept where such injury, damage or loss is attributable to the negligence of the Council.

16 This Permission may be revoked by the Bath & North East Somerset Council at any time and the Bath & North East Somerset Council shall not in any circumstances whatsoever be liable to pay any compensation to the holder(s) in respect of such revocation.

17 Nothing herein contained shall be construed as the granting or purported granting by the council of any tenancy under the Landlord and Tenant Act 1954 or any permission under the Town and Country Planning Act 1971 or any statutory modification or re-enactment thereof for the time being in force.

18 The holder shall, whilst members of the public are using the facilities provided for the consumption of intoxicating liquor, provide and maintain in a prominent position, to the satisfaction of the Service Manager, Notices in the form approved by them concerning the provisions of the Public Space Protection Order made by Bath & North East Somerset Council on 20 October 2017 relating to the consumption of intoxicating liquor in public places.

Notes:

1 Section 115K of the Highways Act 1980 provides as follows:

(1) If it appears to a council that a person to whom they have granted a permission under section 115E of this Act has committed any breach of the terms of that permission, they may serve a notice on him requiring him to take such steps to remedy the breach as are specified in the notice within such time as is so specified.

(2) If a person on whom a notice is served under sub-section (1) of this Act fails to comply with the notice, the council may take the steps themselves.

(3) Where a council have incurred expenses in the exercise of the power conferred on them by sub-section (2) of this Act, those expenses, together with interest at such reasonable rate as the council may determine from the date of service of a notice of demand for the expenses, may be recovered by the council from the person on whom the notice under sub-section (1) of this Act was served.

2 Failure to comply with any Condition of the Permission will require the Council to consider whether any subsequent Permissions should be granted to the holder(s) of this Permission.

Bath & North East Somerset Council

TABLES AND CHAIRS PERMIT GUIDANCE NOTES

Summary

To place tables, chairs or other temporary furniture on the pavement (where the pavement concerned is part of the public highway) you require permission from your local authority. This is to ensure that adequate space is available for the safe and free movement of all highway users, and that consideration is given to the location of the amenity in terms of possible noise disturbance for local residents and nearby shops and offices.

Fees

Application Fee:	£102
Maintenance Fee:	£ 31
Transfer Fee:	£ 68

Renewals

There is no renewal process; a new permit will need to be applied for on expiry of the previous permit.

Validity

Unless a shorter period is specifically stated, all permits will be granted for a maximum of one year from 1 May to 30 April.

Eligibility Criteria

The Licensing Authority does not consider any planning permissions in issuing these permits as Licensing and Planning are two separate regimes.

To place the tables and chairs legally on the highway, you should have both these permissions in place. Further information about planning permissions can be found at:

https://beta.bathnes.gov.uk/apply-planning-permission.

Application

Applications must be in writing (including by electronic means) and must include:

- Applicant's name and address.
- Trading name and address of the premises for which permission is required.
- Contact email address.
- Contact phone number.
- Details of the items required (number of tables or other items you wish to use e.g. planters, boundary markers etc.).

Continued …

… application requirements continued

- Size/dimensions of the area on which you wish to place the items.
- Specific part of the premises you intend to place the items e.g. front of premises, side of building etc.
- Days and times each day you wish to place the items on the highway.
- Planning permission reference number.
- Reference number of any licence you hold that permits you to sell alcohol from the premises.
- Details of adjoining premises (the Council has to notify any "affected frontagers" of the application).
- An illustration or photo of the type, colour and dimensions of the furniture.
- A site plan, to scale, indicating the dimensions of the area of highway to be used.
- A copy of your Public Liability Insurance.
- Receipt number for payment of your fee (details of how to pay are available at https://www.bathnes.gov.uk/services/business/licences/make-payment).

We cannot process your application without the above information.

An online application form is available at https://www.bathnes.gov.uk/form/tables-and-chairs-application.

Consultation

On receipt of a valid application we will consult with:

- Development Control/Planning
- Highways Department
- Property Services
- Police
- Local Ward Councillor(s)
- Adjacent Premises/Affected Frontagers
- A public notice will also be placed on the highway for a period of 28 days.

Objections

Anyone wishing to make an objection to an application must give written notice of their objection to licensing@bathnes.gov.uk, stating the grounds of the objection, within 28 days of the date of the application.

Evaluation

We must allow 28 days for objections to be made. If any objections are received, the application will be referred to the Council's Licensing Committee for determination. There is no statutory period for determining applications; however, we aim to determine applications within 90 days.

Conditions

Permits are subject to a set of standard conditions. The Council may also add conditions specific to your establishment if it considers it necessary.

Tacit Consent

Tacit consent applies. This means that you will be able to act as though your application is granted if you have not heard from the local authority by the end of the 90 day target completion period.

Right of Appeal

Please contact licensing@bathnes.gov.uk in the first instance. An appointed arbitrator will determine if consent has been unreasonably withheld, and will adjudicate if there is disagreement as to conditions attached.

Customer Complaints

If you have a complaint about a trader, we would advise you first to contact the trader – preferably by letter with proof of delivery. If that is unsuccessful and you are in the UK, the Citizens Advice Bureau at https://www.citizensadvice.org.uk/ will assist you. If you are outside of the UK, contact the UK European Consumer Centre at http://www.ukecc.net/.

If you believe a premises is placing furniture on the highway without permission, please contact licensing@bathnes.gov.uk.

If you wish to sell alcohol you will need to apply for a Premises Licence under the Licensing Act 2003. Please contact licensing@bathnes.gov.uk for further guidance.

Relevant Legislation

- Part VIIA Highways Act 1980
  http://www.legislation.gov.uk/ukpga/1980/66/part/VIIA
  Local Government (Miscellaneous Provisions) Act 1982
  http://www.legislation.gov.uk/ukpga/1982/30

Further Information

For details of premises with permission to place furniture on the highway, please visit our Licensing Database website at https://www.bathnes.gov.uk/webforms/licensing/.