

Bath & North East Somerset Council

MEETING/ DECISION MAKER:	Licensing Sub Committee		
MEETING/ DECISION DATE:	Thursday 28 November 2024	Agenda Item Number	
TITLE:	Application for a Variation of Street Trading Pitch 02 (LJ Hugs) Terrace Walk, Bath.		
WARD:	Kingsmead		
AN OPEN PUBLIC ITEM			
List of attachments to this report: Annex A - Application. Annex B - Copy of the current Street Trading Consent Annex C - Plan of the pitch area Annex D - Objections Annex E - Response from Applicant to Objectors Annex F - BANES Street Trading Conditions Annex G - BANES Street Trading Policy			

1 THE ISSUE

1.1 On 1 October 2024, an application was received to vary the Street Trading Consent of LJ Hugs, Pitch 02 Terrace Walk Bath by adding Monday as a trading day. The application was validated on the 4 October 2024.

Objections were received during the consultation period from the management of businesses nearby.

2 RECOMMENDATION

2.1 That the Licensing Sub Committee determines the application.

3 THE REPORT

3.1 An application has been received from Nathan Lewis Farquharson of LJ Hugs, Street Trading Consent Holder for Pitch 02, Terrace Walk, Bath to vary the existing Street Trading Consent (**Annex A**).

3.2 The Pitch is a 3m x 3m gazebo and has been operating on Terrace Walk for 18months. Prior to this, LJ Hugs was operating in Southgate Street, Bath.

3.3 Details of the proposed variation are:

To add Mondays as a trading day 11:00 – 18:00

The current Street Trading Consent permits trading Tuesday to Saturday 11:00 – 18:00. (**Annex B**)

3.4 Notification of the application was sent to the standard list of consultees in accordance with the Street Trading Policy. Notification of the application was hand delivered to all nearby residential and retail premises and notices containing details of the application were also displayed near the pitch site on 04/10/24 giving persons until midnight on 25/10/24 to submit representations. Details of the application were also published on the Council's website.

3.5 A plan of the area is included (**Annex C**).

3.6 Three objections were received (**see Annex D**). Below is a summary of each objection, along with the objectors and their addresses:

- **Delshad Mageed, Bath Chip Shop, 9 Terrace Walk:** Concerned about an increase in food litter, traffic congestion, and parking violations on double yellow lines. Notes increased noise and unauthorised use of seating by LJ Hugs customers.
- **Lawrence, Bridgewater House, 2 Terrace Walk:** Expresses concerns about the smell of fried food from the proposed site affecting their clothing business.
- **Breno Sallas Costo, Sukko, 5 Terrace Walk:** Raises safety concerns about increased traffic posing a risk to pedestrians and obstructing loading bays. Finds the odour of fried food unpleasant for both businesses and residents.

3.7 The Applicant responded to objections received (**Annex E**)

4 STATUTORY CONSIDERATIONS

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 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.

- 4.3 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. When making a decision consideration needs to be given to the Human Rights Act 1998.
- 4.4 Bath and North East Somerset Council has standard Street Trading Conditions which are applicable to all Street Trading Consents issued by the Council. These are produced at **Annex F**.
- 4.5 Bath and North East Somerset has a Street Trading Policy that was ratified by the Council. That policy is produced at **Annex G**
- 4.6 When making a decision consideration need to be given to the Human Rights Act 1998.
- 4.7 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

- 7.1 The Local Government (Miscellaneous Provisions) Act 1982 Act is prescriptive and does 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 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
- 9.2 The Council's Monitoring Officer (Head of Legal & Democratic Services and Council Solicitor), Section 151 Officer (Director of Finance) and Head of Service, – Community and Compliance have had the opportunity to input to this report and have cleared it for publication.

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

Contact person	Public Protection Officer Jacob Booth (Licensing) Tel: 07977833220
Background papers	Licensing File
Please contact the report author if you need to access this report in an alternative format	

Application received 1/10/24:

From: cis@bathnes.gov.uk <cis@bathnes.gov.uk>

Sent: Tuesday, October 1, 2024 5:58 PM

To: Licensing <licensing@bathnes.gov.uk>

Subject: Street Trading Consent change form received

**Bath & North East
Somerset Council**

Improving People's Lives

Street Trading Consent change form received

Submitted on: Tue, 10/01/2024 - 17:55

Reference number: 343149

About the pitch

Pitch number: Pitch 2 Terrace Walk

About the change

Type of changes

Trading days

Further information: Trading days Monday - Saturday 11am - 6pm

About you

Full name: Nathan Lewis Farquharson

Contact email address: [REDACTED]

Contact telephone number: [REDACTED]

I agree with the terms and conditions

I have read the Privacy Notice

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

STREET TRADING CONSENT

L J Hugs Ltd

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

**Mr Nathan (Lewis) Farquharson
Mr Dino Lai**

to trade at:

**Pitch 2 Terrace Walk
Bath**

on the following days/hours:

Tuesday to Saturday from 11:00 to 18:00

in the articles of the following description:

Fried Chicken, Chili, Grilled Chicken, Beef and fries

Pitch Details:

Gazebo 3 m x 3 m maximum

Vehicle Registration:

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

This Consent shall continue in force from **1 April 2024** until **31 March 2025** unless revoked or surrendered.

NON-PAYMENT OF FEE WILL INVALIDATE THIS CONSENT

Granted on **26 March 2024**

Signed for and on behalf of
Bath & North East Somerset Council:



.....

Operatives permitted to work on the stall (if any):

Messer Declan
Tom Barton
Pedro Inacio
Alan Davis
Liam Taylor
Oscar Bean
Daniel Elvira
Nathan Farquharson
Dino Yun Chi
Joseph Gilmer
Tom Whiley
Caleb Farquharson
Louis Bennett
Harry West

Special Conditions (if any):

PUBLIC REGISTER COPY

Street Trading Standard Conditions

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 re-producing or sound amplification apparatus or any musical instruments radio or television receiving sets whilst trading under this Consent, save as varied by a special condition of this Consent 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 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 instalment 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.

Annex C - Plan

LJ Hugs pitch shown with the blue outline



Objection 1 – Delshad Mageed

Objection email received by Licensing:

From: Delshad Mageed <[REDACTED]>
Sent: Tuesday, October 8, 2024 10:39 AM
To: Licensing <licensing@bathnes.gov.uk>
Subject: Objection to Application 24/01914/STTRAD

Dear Licensing Officer

Objection to Application 24/01914/STTRAD

Please see attached objections to the above variation of licensing consent.

Yours sincerely

Delshad Mageed
Director
Bath Chip Shop Ltd
[REDACTED]

PDF Attached:

9, Terrace Walk
Bath
BA1 1LN

Licensing Services
Bath & North East Somerset Council
Lewis House
Manvers Street
Bath
BA1 1JG

Dear Sir or Madam

Re: Objections to Variation of Street Trading Consent Application number
241019141STTRA0

1 run Bath Chip Shop Ltd. The proposed installation is in front of my trading premises on the opposite side of the road.

I object to the granting of this licence on the following grounds:

- (i) The proposed installation previously traded from a nearby address: I have been reliably informed that a number of businesses at this address asked them to leave so they are now looking for new premises.
- (ii) I am concerned about the effect on my business: as we are both running takeaway food shops with very similar menus, passing clientele will now

have to choose between 2 competing outlets so the proportion Of customers visiting my business wilt inevitably fail. i no tongerbe able to cover fixed costs it this happens and face the prospect of having to close down: the proposed installation has no fixed costs due to its being a gazebo and not a permanent structure and so is at an unfair advantage.

- iii I am worried about the increase in food litter that would result from such an installation: I pay for bins and already have to pick up litter myself every day from both sides of the Street and dispose of it in a bin. I obviously have a waste collection contract and the proposed installation, being a temporary structure, would not be able to do this so I would end up paying to collect and dispose of the waste generated by his business.
- (iv) I am also concerned about the parking situation if the proposed installation goes ahead: the side of the road opposite my shop has double yellow lines and, given my experience with customers parking in the loading bay in front of my shop, I am sure many customers would park on the double yellow lines to visit this proposed food outlet which would make the toad and pavements unsafe road users, not just for my customers.
- (v) I am worried about the smell of fried food cooked in an outdoor installation. The proposed menu includes beef and Fries and tried chicken, au ot which is already sold in my shop as I sell chicken nuggets and chicken strips and have been doing so for over a year. The proposed menu directly duplicates what is sold by my shop.
- (vi) I am concerned that my seating areas on the first floor and ground floor witt become less attractive due to the noise generated by the proposed installation which wittl again directly affect my business, and also that customers of the proposed installation wittl try and bring food purchased mere to consume on my premises, which clearly does not make any contribution to my fixed overheads and reduces the ability Of my own customers to find seats.

Yours sincerely



Detshad Mageed

Director Of Bath Chip Shop Ltd

Objection 2 – Lawrence

From: B G <[REDACTED]>

Sent: 23 October 2024 00:00

To: Licensing <licensing@bathnes.gov.uk>

Subject: Objection to Application – Impact on Business at 2 Terrace Walk

Dear Aled,

I hope you are doing well. We are the owners of a small, family-run souvenir and textile shop located at 2 Terrace Walk, and I am writing to formally object to the application for [L J HUGS LTD PITCH 2 TERRACE WALK BATH Application Ref:24/01914/STTRAD] at the proposed location directly in front of our shop.

As a small shop, we keep our doors open to the street during business hours, which is essential for attracting foot traffic. The smell of fried chicken from the proposed site will undoubtedly permeate our store, potentially attaching to our clothing, scarves, and other fabrics. This would significantly affect the quality of our products and negatively impact our operations.

For this reason, we must oppose the application. Thank you for your time and consideration of our concerns.

Best Regards

Lawrence

House of Bridgewater

2 Terrace Walk,

Bath

BA1 1LN
[REDACTED]

Objection 3 – Breno Salles-Costa

Sukko 5 Terrace Walk Bath
BAI ILN
5th October 2024

Aled Williams
Licensing Services
BANES Council
Lewis House
Manvers Street
Bath
BAI IJG
Re: 24/01914/STTRAD
Dear Mr Williams,



I object to the variation of the pitch on Terrace Walk to add an extra day for two reasons.

Firstly, this pitch attracts a large number of customers each day by car and especially vans. This increased traffic causes a danger to coach passengers and also often obstructs the loading bays for deliveries to local businesses. Mondays are a particularly busy day for deliveries after the weekend and the added vehicles from customers of this food stand will cause traffic disruption.

Secondly, the stall states it sells fried meat and fries. This is cooked in an open tent on the pavement. There is no possibility or requirement for any extraction system to take the smells from the surrounding area. The smell of fried meat, etc. every day from this tent is already unpleasant and causes residents and businesses to have to close doors and windows. Adding an extra day trading will only add another day of frying smells to the area.

Finally I would like to add that this trading pitch has historically sold artwork, homemade lemonade and other retail items since it was established. When it became a hot-food takeaway tent (firstly with JC Kitchen and now LJ Hugs) this should have involved a new neighbourhood consultation as the use of the tent was fundamentally different to that of the original application for a street trading pitch in this area.

Regards
Breno Salles-Costa
Manager

████████████████████

Annex E

Response to Objection 1 from Applicant:

From: LJ Hugs Ltd [REDACTED]
Sent: 14 October 2024 12:03
To: Licensing <licensing@bathnes.gov.uk>
Subject: Re: Variation Application - L J Hugs Ltd Ref. 24/01914/STTRAD

Dear Licensing Team,

Thank you for raising these objections with us. We would like to respond below.

1. The increase in litter and commercial waste is something that we manage through Grist. We have our bins emptied twice a week which costs us in excess of £400 a month. We cannot personally manage the litter in the streets as it is a busy city where lots of businesses trade locally to Terrace Walk. These businesses also produce litter from their consumable products, these are often unsightly as their waste is left in transparent bags on the side of the pavements for collection. Our waste is kept in concealed bags in commercial waste bins. We also pay Bath BID to power wash and clean the pavement fortnightly so that the area remains clean. This costs us £120 a month. We have also been recognised for our good practice by yourselves, of which we have linked the document below;

<https://food.blog.gov.uk/2023/06/06/lj-hugs-street-food-business-that-sees-the-kitchen-as-their-stage/>

2. The point on customers parking on the double yellow lines will need a further longitudinal research study conducted as there are several other 'take away' businesses in the vicinity who provide fast food and drinks, they also have customers who use the area, therefore the point is unfounded.

3. The increase in noise comes from having coach drops, students and the public waiting at the bus stops, homeless people causing nuisance on the benches on Bog Island. The higher footfall in the area correlates with an increase in the noise level. There are several taxi driver bays where drivers congregate and socialise together whilst waiting for work which also contributes to the increase in the noise level. There is also noise from the restaurants that have outside seating areas around the vicinity. It is impossible to pinpoint the increase in noise due to another business trading one more day a week such as ourselves, we have a queue where customers will speak to each other and also need to order food, in an open air area where colloquial chatter cannot be subdued. Our staff have a positive work environment and engage with each other in conversation, surely this makes for good tourism in the city as we are in a spot where coaches drop off and collect visitor groups?

We would appreciate your consideration in this matter regarding the above points.

Lidia Farquharson
LJ Hugs Ltd

Good practice blog document (see link provided in LJ Hugs Response to Objection 1)

LJ Hugs - Street food business that sees the kitchen as their stage

Posted by: [Here to Help](#), Posted on: 6 June 2023 - Categories: [Case studies](#)



[Cymraeg](#)

We spoke to Lewis, founder of [LJ Hugs](#), a Cajun Street food business operating in Bath and Bristol. They're open six days a week, specialising in grilled chicken and beef.

This blog is part of our [Here to Help series](#), making it easier for businesses to do the right thing through business stories, resources and [our improved hub of business guidance on our website](#).

Grown from modest beginnings 9 years ago, former teacher, Lewis started LJ Hugs with the desire to create a job that was fun and to create jobs for other people. It now employs 18 members of staff, who are all regularly trained on the importance of food safety and hygiene. Both venues now have 5 hygiene ratings with good relationships with both Local Authorities.

“Your Kitchen is your stage”

Food safety and hygiene have a particular significance to street food businesses. According to Lewis, when operating from a gazebo, “your kitchen is your stage.” He goes on to say that “the way we cook our chicken, the way we prep our beef is all part of the show, it’s all done in front of people”. Lewis describes how people “eat with their eyes”, “If you want them to buy from you, they have to trust you, and to trust you they need to see that you’re clean”.



When LJ Hugs first began operating in the centre of Bath, they had done their own Food Safety and Hygiene Training Levels 1 and 2 but they were “still getting to grips with how it should be run daily”. Lewis says the Environmental Health Officer (EHO) came onboard and started “working alongside us... she was amazing, she was really happy with what we’d done... she pointed out what was needed. We got a 5 hygiene rating, but we also had things to work on. It’s the little bits in the detail that we’ve been working on over the years now”. This includes details from changing gloves after handling cash, not overlaying knives that have opened packets of meat, and clearing your space before taking a product over to a customer.

“She didn’t use our naivety or us being beginners against us”

Lewis says, that following the first visit, he and the EHO “stayed in contact over the next couple of months”. Following the EHO’s advice and helpful “little hints”, Lewis would get in contact to say, “I’ve got this now, can you come in and have a look and see if it’s right?”. The EHO would respond and would usually say “That’s perfect or that’s even better”.



LJ Hugs have worked with three EHOs, who have “all been equally helpful”. However, Lewis describes that first relationship with their first EHO as being “an important one”. Lewis says, “She came in and laid the foundation, she didn’t use our naivety or us being beginners against us. She worked with us to make it happen, so she was a major factor in us being successful in where we are today”.

Fiona West, Environmental Health Specialist, The Nationwide Caterers Association (NCASS), of which LJ Hugs is a member, says:

“It is essential, in order for our members to be successful, that their businesses comply with the legal requirements, that they produce safe food and provide a safe work environment for staff. A good food hygiene rating is key, and it enables customer confidence in the business. Getting expert advice early on and investing the time into considering arrangements and the correct set up of the business will make such a significant difference.”

For more information on how to keep your business on track whilst keeping consumers safe head to our [business guidance hub](#). Alternatively, head to our [easy-to-navigate guide](#) for those starting up a new food business

Response to Objection 2 from Applicant:

From: Lewis Farquharson [REDACTED]
Sent: 23 October 2024 11:46
To: Licensing <licensing@bathnes.gov.uk>
Subject: Re: Variation Application - L J Hugs Ltd Ref. 24/01914/STTRAD

In response to the variation. We are nowhere near their store?
They are based round the corner by the Abbey more then 500 yards away?

Regards,

Lewis Farquharson
Director

Response to Objection 3 from Applicant

From: Lewis Farquharson <[REDACTED]>
Sent: 26 October 2024 17:11
To: Licensing <licensing@bathnes.gov.uk>
Subject: Objections : LJ Hugs

Hi Jacob, Licensing,

More than happy for you to send these questions to the objector.

I have just seen that another objection has come through as well as long the same lines as the previous objection, high footfall, smell of food etc and we believe that the same response is required to these objections. The accusation of an unpleasant smell is clearly subjective, and judging on the high number of customers that the same complaint mentions, the smell cannot be that unpleasant otherwise we wouldn't have any customers. All street food stands produce a smell as they are cooking outdoors. The coffee shops produce a smell of coffee which may be unpleasant for some, the Italian shop produces the smell of pizza which can be unpleasant for some.

We've looked through some of the paperwork regarding objections and its states that we can know who our objectors are.

Myself and Tom Barton will also be attending the meeting on 14th November so that we can represent ourselves.

Regards,

Lewis Farquharson

Director

LJ Hugs Ltd

[REDACTED]

[REDACTED]

Street Trading Policy Conditions

Standard Conditions (attached to each Street Trading Consent)

1. The holder of this Consent (which expression where appropriate includes joint holders of this Consent) and any person employed to assist on the Pitch shall produce the Consent on demand when so required by a Police Officer or a duly authorised officer of Bath & North East Somerset Council (the Council).
2. The holder shall return this Consent to the Council immediately on revocation or surrender of the Consent.
3. The holder shall not trade otherwise than strictly in accordance with this Consent.
4. The holder shall notify the Council's Licensing Team at Bath & North East Somerset Council, Lewis House, Manvers Street, Bath BA1 1JG immediately of any convictions or cautions obtained by the holder of this Consent.
5. The holder shall not cause any obstruction of the street or danger to persons using it and shall not permit persons to gather around him or any van, cart, barrow, other vehicle or stall included in this Consent so as to cause a nuisance or annoyance or danger to any persons lawfully using the street and shall not park any such van etc. on the footway or verge of the street.
6. The holder shall not use or suffer or permit any music playing, music re-producing or sound amplification apparatus or any musical instruments radio or television receiving sets whilst trading under this Consent, save as varied by a special condition of this Consent 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.

Street Trading Policy

1 Purpose

- 1.1 Bath and North East Somerset Council understands that street trading is important to both the local environment and local economy. Street trading can provide vibrancy and interest to the local environment and an opportunity for small businesses to establish themselves and grow.
- 1.2 The Council's vision for Bath and North East Somerset is to create a street trading environment which:
 - complements premises-based trading
 - is sensitive to the needs of residents
 - ensures that public spaces become active spaces
 - provides diversity and consumer choice;
 - seeks to enhance the character, ambience and safety of local environments
 - promotes healthy eating
 - provides local food

2 What is Street Trading?

- 2.1 Street trading means selling, exposing or offering for sale any article in a street. The term 'street' includes any road, footway or other area to which the public has access without payment.
- 2.2 The Council has adopted Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 for the whole of its area and has designated all streets in the area as 'Consent Streets' for street trading purposes.
- 2.3 The effect of this designation is that street trading in any street is prohibited, subject to legal exemptions, without first obtaining a street trading consent from the Council.
- 2.4 Consents may also be issued to mobile artists who sketch or paint, sell their own work and move from location to location.
- 2.5 Street trading consents for buskers wishing to sell items associated with their performance (e.g. CD's) will be established
- 2.6 Consents may be issued to mobile vendors such as Ice Cream Traders to operate in specific locations outside of the central area of Bath.

3 Exemptions from the need to obtain a Consent

3.1 The Local Government (Miscellaneous Provisions) Act 1982 states that the following are exempt from the need to obtain Street Trading Consent:

- trading by a person acting as a pedlar under the authority of a pedlars' certificate granted under the Pedlars Act 1871
- anything done in a market or fair the right to hold which was acquired by virtue of a grant (including presumed grant) or acquired or established by virtue of an enactment or order
- trading in a trunk road picnic area
- trading as a news vendor
- conducting a public charitable collection
- trade carried out by roundsmen e.g. milkmen
- trade carried on at a petrol filling station, and
- trade carried on at premises used as a shop or in a street adjoining premises so used and as part of the business of the shop

4 Pitch assessment

4.1 The Council will maintain a map showing the location of street trading pitches. This map is available on the Council's web site at www.bathnes.gov.uk/services/business/street-trading

4.2 The Council may from time to time identify new pitches for street trading and will consider applications for new pitches. In determining whether to create a street trading pitch the Council will have regard to:

- an overriding public interest
- any effect on road safety, either arising from the siting of the pitch, or any loss of amenity caused by noise, traffic or smell
- existing Traffic Orders e.g. waiting restrictions
- any potential obstruction of pedestrian or vehicular access
- any obstruction to the safe passage of pedestrians; and
- the safe access and egress of customers and staff from the pitch and immediate vicinity
- any land owners permission which may be required from a private land owner or a relevant Council service e.g. Environmental Services (Open Spaces), Commercial Estates or Economic Regeneration

5 Application Process for a New Pitch

5.1 Before new pitches are created the Council will consult and seek written observations from:

- occupiers of premises immediately adjacent and opposite
- existing holders of street trading consents in the immediate area
- relevant ward councillors
- relevant parish or town councils
- Avon & Somerset Constabulary

- relevant Council Services including Development Control, Highways, Property Services, Environmental Services (Open Spaces), Commercial Estates, Trading Standards and Food Safety
- a relevant land owner
- any other stakeholder considered by the Council's Licensing Team to be relevant to the application

5.2 In addition to the above, public notices will be placed in a clearly visible location at the site of the proposed new pitch.

5.3 The Council will consider any responses received in relation to public notices and any objection from consultees will be assessed against the criteria in paras 1.2, 4.2 and Section 12 and may be referred to the appropriate Licensing Sub-Committee for determination.

5.4 Any proposed change to conditions attached to a consent will be in consultation with consent holders and others, as specified in 5.1 above, if relevant.

6 Application Process for an Existing Pitch

6.1 When an existing or new pitch becomes available, the Council will publish details of the vacancy, inviting applications for the pitch. The details will be published on the Council's website.

6.2 Applications will be determined by the Licensing Manager. If no suitable application is received then the pitch will be re-advertised.

6.3 In situations where there are competing applications then the Licensing Manager will decide the most appropriate applicant in consultation with the Service Manager. The pitch will be offered to the applicant whose proposal is considered the most suitable for the particular location.

7 Mobile Street Artists

7.1 Mobile street artist consents may be issued to persons who sketch or paint and sell their own work and move from location to location.

7.2 Applicants for mobile street artist consents must give a minimum notice period of 48 hours to the Licensing Team in relation to their application.

8 Mobile Traders

8.1 Any mobile trader e.g. ice cream vans, will require a street trading consent.

8.2 Before issuing a consent the Council will consult with relevant bodies, as specified in section 5.1, and will require details of the daily routes and times of the rounds.

9 Street Markets

9.1 The Council actively supports the provision of temporary street markets within the district and special consideration will be given to markets which are considered beneficial to the local area.

9.2 Applications for temporary street markets will be considered using the same criteria set out in Para 1.2 and in sections 4 and 5 of this policy.

10 Pitches for Buskers

10.1 The Council will issue Street Trading consents for use by buskers who wish to sell items associated with their performance (e.g. CD's).

10.2 Applications for pitches for buskers will be considered using the same criteria set out in Para 1.2 and sections 4 and 5 of this policy.

11 Pitches for Charitable Street Trading

11.1 The Council issues permits to enable charitable street trading. Charitable street trading must not be undertaken in any street or public place unless the Promoter has obtained a consent from the Council. The only exception to this is where the collection is exempt under schedule 4 of the 1982 Act (see section 3)

11.2 In relation to charitable street trading, the Council has a designated street trading pitch for this purpose at Kingston Parade, Bath. This pitch will be available to registered charities, or organisations demonstrating that they are a 'not-for-profit' organisation. Use of this pitch will be subject to the Council's standard street trading conditions.

11.3 The charity or organisation must obtain permission from the Principal Consent Holder responsible for the pitch at Kingston Parade whose details can be obtained from the Licensing Department.

12 Nature of Goods and Trading Hours

12.1 The nature of goods which may be sold from any pitch and the trading hours will be specified in the consultation process. Any subsequent application for a change in the nature or type of goods sold or the trading hours will require a further application and will be subject to the level of consultation as set out in section 5.1 above.

12.2 Until 1st April 2015, the Council will not normally grant a consent for the sale of goods or services which conflict with those provided by nearby shops or nearby street trading pitches. (After this date, changes to Schedule 4, Local Government [Miscellaneous Provisions] Act 1982 come into effect which promote open competition).

12.3 Goods will normally consist of craftwork, fresh flowers, fresh fruit and vegetables, ice cream or soft drinks. Other types of goods, including services, will be considered on a pitch by pitch basis and have particular regard to local needs, product diversity and balanced with other retailers in the immediate vicinity.

12.4 Street trading hours will normally mirror those of shops in the immediate vicinity. Extended trading hours will be determined on a pitch by pitch basis.

12.5 In the case of stalls selling hot food trading hours will be determined on a pitch by pitch basis.

12.6 Late night food traders operating after 11:00 pm will be subject to the requirements of the Licensing Act 2003 regarding the need for a Premises Licence. Greater consideration will be given to the impact on the night time environment and the possibility of crime and disorder on the streets as a result of the granting of a street trading consent.

13 Design and Appearance of Stall, Barrow, Van, Cart etc.

13.1 The design and appearance of the stall, barrow, van or cart etc. to be used must be agreed by the Council.

13.2 The Council has a preferred set of standards of design and appearance that they wish to achieve for all street trading pitches based in the central area of Bath.

- All new applicants will be required to use an approved design unless a suitable alternative is agreed
- All existing Consent Holders will be required to change to an approved design by 1st January 2017, or upgrade the whole or parts of their units, as appropriate

13.3 The condition of all pitches will be monitored regularly to ensure that the required standards are maintained.

13.4 All consent Holders trading in food products are required to be registered and inspected by the Council's Food Safety Team. Contact details of the Food Safety team can be found on the Council's website.

13.5 All consent Holders are required to comply with relevant health and safety regulations including those relating to electrical and gas safety.

14 Issue of Street Trading Consents

14.1 An application for a street trading consent or the renewal of such a consent shall be made, in writing, to the Council. Applications can be e-mailed to the Council at: licensing@bathnes.gov.uk .

14.2 Consents will not normally be issued for a period of less than six days per week, unless the applicant can provide an alternative scheme acceptable to the Council.

14.3 Where a consent has expired the pitch will become subject to paragraphs 14.4 and 14.5 below.

14.4 When an existing or new pitch becomes available, the Council will publish a notice inviting applications for the said pitch on its website.

14.5 Applications for an existing pitch will be determined by the Licensing Manager or other authority delegated by the Council. Each pitch will be offered to the applicant whose proposal is considered most suitable for the particular pitch. If no suitable application is received then the pitch will be re-advertised.

14.6 Any application received by a person less than 17 years of age will be considered by taking into account the provisions contained in the Children and Young Persons Act 1933 and the Children and Young Persons Protection at Work Regulations 1998.

14.7 An application for an existing pitch may be refused or revoked if the applicant is found to be unsuitable to hold the consent by reason of having been convicted of a relevant offence, or for any other reason.

14.8 The issue of a street trading consent will not normally be delayed where other approvals, permits, licences are required by other departments or statutes except in the case where advice is required from the Council's Food Safety and Health and Safety teams.

15 Fee Structure

15.1 The Council may charge such fees as it considers reasonable having regard to pitch location, the size of the Pitch, trading days, hours and the description of goods offered for sale.

15.2 The fees will be reviewed and set on an annual basis and any variation advertised by notice in a local newspaper.

15.3 Fees for consents must be paid in full in advance:

- in the case of Direct Debits, on a monthly basis
- all other methods, three months in advance

15.4 Failure to maintain payments as above may result in the consent not being renewed. Where a payment is not made by the due date the Council may charge an administration fee as determined by the Licensing Manager. This will include cheques or Direct Debit requests that are not honoured.

15.5 The Council cannot guarantee that pitches will be available every day and accepts no liability for the loss of earnings in relation to street trading consent holders or their employees.

15.6 In the event of roadworks, utility or service repairs and other genuine circumstances that affect the use of any pitch, the Licensing Manager will consider appropriate refunds on a case by case basis, provided a written request has been made by the consent holder.

16 Street Trading Consents for which fees are not payable

16.1 The Council will not require the payment of fees for the following street trading activities:

- fetes, carnivals or similar community based and run events
- non-commercial or charitable events
- farmers markets (producer-managed marketplace for local producers to sell their own produce direct to local people); and
- sale of articles by householders on land contiguous with their homes

17 Conditions and Enforcement

- 17.1 Standard conditions will be attached to every street trading consent detailing the holder's responsibilities to maintain public safety, avoid nuisance and generally preserve the amenity of the locality.
- 17.2 Specific conditions will also be attached such as the days and hours when street trading is permitted, the goods which may be sold and the size of the pitch.
- 17.3 Failure to comply with conditions may lead to revocation or non-renewal of a consent.
- 17.4 Persons trading without a consent and who are not exempt (see 3 above for examples) will be the subject of enforcement action in accordance with the Council's Enforcement Policy. Copies of the Enforcement Policy can be obtained from the Council's Licensing team or website.
- 17.5 The consent Holder is required to obtain and maintain their own Public Liability Insurance to a minimum of £5m. This will be required to be produced for inspection before any consent is issued and on demand when requested by an officer of the Council.

18 Equality

- 18.1 The Council is committed to equality of opportunity and believes that the diversity of the community is a major strength which contributes to the social and economic prosperity of the area.
- 18.2 The Council commits to ensure that no resident of, or visitor to, the area or other person associated with the Council is treated inequitably or in an unlawful or unjustifiably discriminatory manner.
- 18.3 The Council will take positive steps to stop any unfair/unlawful discrimination, and will carry out positive action where discrimination is found.

19 General

- 19.1 Through its tourism service and by other means, the Council will seek opportunities to promote street trading activities.
- 19.2 This policy will complement and inform other Council initiatives including those on street markets and the public realm.
- 19.3 This policy will be the subject of periodic monitoring and review.
- 19.4 This policy will inform the detailed conditions attached to every street trading consent.
- 19.5 This policy will be applied in a manner which is consistent with the Council's equalities policies.