

BATH AND NORTH EAST SOMERSET

LICENSING SUB-COMMITTEE

Thursday, 28th November, 2024

Present:- Councillors Steve Hedges (Chair), Toby Simon and Ann Morgan

Also in attendance: Carrie-Ann Evans (Team Leader, Legal Services), Geoff Cannon (Public Protection Officer (Licensing)) and Jacob Booth (Public Protection Officer (Licensing))

82 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer drew attention to the Emergency Evacuation Procedure.

83 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were none.

84 DECLARATIONS OF INTEREST

There were none.

85 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was none.

86 MINUTES OF PREVIOUS MEETINGS: 17TH OCTOBER 2024 & 31ST OCTOBER 2024

The Sub-Committee **RESOLVED** to approve the minutes of the meetings held on 17th October 2024 and 31st October 2024 and they were duly signed by the Chair.

87 LICENSING PROCEDURE

The Chair referenced the procedure that would be followed during the course of the meeting.

Those that were present confirmed that they had received and understood the licensing procedure.

88 APPLICATION FOR A VARIATION OF STREET TRADING PITCH 02 (LJ HUGS), TERRACE WALK, BATH.

The Public Protection Officer (Licensing) introduced the report to the Sub-Committee. He explained that 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.

He stated that the details of the proposed variation are:

To add Mondays as a trading day 11:00 – 18:00 and that the current Street Trading Consent permits trading Tuesday to Saturday 11:00 – 18:00.

He informed the Sub-Committee that three objections to the application had been received.

Tom Barton addressed the Sub-Committee and explained that they had traded between Monday – Saturday for three years previously at another pitch within the city. He said that the business has gained a large following and that they have been able to establish a contract with Uber Eats.

Lewis Farquharson explained that it was due to a clerical error that they were currently unable to trade on a Monday. He added that they collect any rubbish from around their pitch daily and have refuse collections that take place twice a week. He said that they were proud of their work and to uphold the heritage of the city.

Delshad Mageed, one of the objectors, asked how long they use the area near their pitch for unloading their equipment.

Lewis Farquharson replied that they unload all their equipment within 15 minutes from 8.00am each day that they trade.

Delshad Mageed addressed the Sub-Committee and said that he believed that customers from LJ Hugs purchase food from the stall and then proceed to sit within his restaurant to eat their food. He added that their customers will park their vehicles and block the loading bay and the entrance to his premises. He declined to make a closing statement.

Lewis Farquharson made a closing statement on behalf of the applicant. He said that they were a community-based company that look to give back as much as possible. He stated that they love working within the city and have worked tirelessly to achieve what they have.

Decision & Reasons

Members have had to determine an application to extend the days of operation of an existing Street Trading pitch at LJ Hugs, Terrace Walk, Bath. In determining the application, the Local Government (Miscellaneous Provisions) Act 1982, the council's Street Trading Policy and Human Rights Act 1998 were taken into account.

The application relates to an existing pitch which already has a street trading consent. The applicant wishes to extend the days of operation to include Monday, and the hours of operation would be 1100 to 1800.

Lewis Farquharson and Tom Barton attended the Licensing Sub Committee to make oral representations on behalf of the applicant. They told members that they strive to be excellent. They have a waste contract to ensure regular waste disposal, they pay the Bath BID to clean their area, members of staff pick up any of their litter that they

observe. They work with the university and run a disability and learning scheme where they employ someone with learning difficulties.

They had unwittingly been operating on a Monday without consent as they did not realise that Monday operation was not part of their consent due to a clerical error. When that came to light, they had stopped doing so but this had had an impact on their business which meant they had to reduce staff hours and terminate the employment of two members of staff. They had been able to reemploy one member of staff as they had opened a new premises in Trowbridge. In summary, Mr Farquharson said that LJ Hugs is a community-based company and one of their goals is to create jobs not just locally but regionally. They reinvest to do better and bring wealth to the area.

The three objectors stated in written representations that if the application was granted it would result in an increase in food litter, an increase in traffic congestion, a risk to pedestrians from increased traffic, parking violations on double yellow lines, obstructing loading bays, increased noise and unauthorised use of seating, as well as the smell of fried food affecting a clothing business and being unpleasant to businesses and residents.

Members heard from Delshad Mageed in oral representations who was one of the objectors to the application and who indicated that customers from LJ Hugs have used the seating in his premises. He said that they also park up in the loading bay outside of his premises and sit and eat the food they have purchased from LJ Hugs. He also indicated that LJ Hugs employees park on the double yellow lines near to their pitch.

In reaching a decision Members took account of the relevant representations and balanced the conflicting interests of the applicant and the objectors.

Members were mindful to deal with the matter on its merits and disregarded concerns raised relating to commercial competition and parking infringements, which are beyond the scope of the committee.

Members reminded themselves that the principle of a pitch in this location was already established, selling the goods that it sells. They found that the additional day of operation would be unlikely to have a detrimental effect on public safety or amenity, nor would it cause an obstruction.

Accordingly, Members found it reasonable to grant the consent for the additional day. Therefore, the application was granted as applied for and authority was delegated to the Licensing Officer to issue consent.

89 APPLICATION FOR A NEW STREET TRADING PITCH - OUTSIDE PINK ART, YORK STREET, BATH (FOR USE DURING THE BATH CHRISTMAS MARKET PERIOD).

The Public Protection Officer (Licensing) introduced the report to the Sub-Committee. He explained that the application was for a new Street Trading Pitch to be created outside Pink Art, York Street, Bath and that the pitch would be for use during the period of the official Bath Christmas Market.

He informed the Sub-Committee that the times applied to trade for are: 1000hrs to 2000hrs every day.

Councillor Toby Simon asked if any other departments within the Council had objected to the application.

The Public Protection Officer (Licensing) replied that they had not.

Svilena Nikolova, the applicant, addressed the Sub-Committee and said that they have worked throughout the past year with the Council and representatives of the Christmas Market to be able to have a pitch to use over the applied period. She explained that an agreement had been reached whereby there would not be another stall opposite theirs so that any congestion to the area would be minimised.

Tim Coffey, Director, Pink Art added that in 2022 they had traded for 18 days without any issue. He said that an issue did arise in 2023 where, due to the location of other stalls a pinch point was created.

The objector to the application, Councillor Paul Roper, was not present at the meeting.

Tim Coffey made a closing statement and said that they had operated from outside their premises previously and have worked with the Council and the Christmas market to alleviate the issues that occurred last year.

Svilena Nikolova added that they are a small independent business and that the income generated from the stall is much needed.

Decision & Reasons

Members have had to determine an application to create a Street Trading pitch at Pink Art, York Street, Bath. In determining the application, the Local Government (Miscellaneous Provisions) Act 1982, the council's Street Trading Policy and Human Rights Act 1998 were taken into account.

The application is for a pitch outside of Pink Art on York Street as indicated on the plan to accompany the application. The hours of operation proposed are 10:00 to 20:00 daily and the duration of the Street Trading consent applied for is for the period of the official Bath Christmas Market. In the application it was indicated that

the stall would offer a selection of homemade beverages, including mulled wine, mulled cider, and authentic Italian hot chocolate, paired with freshly made Belgian waffles.

The applicant's focus is on high-quality ingredients and traditional recipes supporting the promotion of local food. These offerings cater to local needs by providing warm, comforting treats that enhance the festive atmosphere, appealing to both residents and visitors. The stall adds product diversity to the market by introducing a unique combination of traditional European holiday drinks and desserts, which complements rather than competes with existing retailers.

Tim Coffey and Svilena Nikolova attended the Licensing Sub Committee to make oral representations on behalf of the applicant. They indicated that they had operated as proposed without issue in 2022 but there had been a problem with their operation in 2023 as there was a chalet located directly opposite which had caused a pinch point. They had had to cease their operation which had resulted in a loss last year as they had already bought the products and employed the staff for the Christmas Market period. They had been working with Tilley from the Bath Christmas Market, Licensing and Highways to ensure their application was acceptable this year. They had had confirmation from Gary Peacock in Highways that the proposal was acceptable, and Tilley had ensured that there was not a chalet located opposite the proposed pitch. Ms Nikolova indicated that they operated a queueing system alongside the wall, rather than across the road, in order to prevent congestion.

In closing submissions, the representatives for the applicant indicated that they had been working hard all year to make sure that there are no problems with their proposed operation this year. They are a small independent business, and the pitch is extremely important to Pink Art.

Councillor Roper objected in writing to the application and expressed the view that a pitch in this location would disrupt the flow of pedestrians during Christmas Market and diminish ambiance of York Street.

In reaching a decision Members took account of the relevant representations and weighed them in the balance. Members were mindful to deal with the matter on its merits.

With regard to the creation of the pitch, Members had regard to their policy. Members noted the area identified in the application measured 2m x 3m and there were no objections from the Highway Authority in relation to its size or location, or at all. Members found the proposed pitch would be unlikely to have a detrimental effect on public safety or amenity, nor would it cause an obstruction or impede safe access and egress to and from it, or premises-based trading. So far as the nature of the goods were concerned, Members were content that this was in accordance with the Policy.

Accordingly, Members found it reasonable to create the pitch which provided ample space for pedestrians to pass and repass and they were content with the proposed street trading offering. Therefore, the application was granted as applied for and authority was delegated to the Licensing Officer to issue consent subject to the standard conditions.

Members noted that it was the applicant's responsibility to ensure that they obtain all consents, permissions and licences required in order to operate as proposed.

The meeting ended at 11.31 am

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services