

Bath & North East Somerset Council			
MEETING/ DECISION MAKER:	Licensing Sub Committee		
MEETING/ DECISION DATE:	10 th July 2025	Agenda Item Number	
TITLE:	Application for a New Street Trading Pitch. Bath Summer Fayre. Milsom Street, Green Street, New Bond Street, Quiet Street, Wood Street, Bath		
WARD:	Kingsmead, Bath		
AN OPEN PUBLIC ITEM			
List of attachments to this report: Annex A - Application Annex B - Plans Annex C - Objections and Applicant Replies Annex D - B&NES Street Trading Conditions (as published on the Council website) Annex E - B&NES Street Trading Policy (as published on Council website)			

1 THE ISSUE

- 1.1 On 3 June 2025, an application was received for a new Street Trading Pitch to be created covering Milsom Street, Green Street, New Bond Street, Quiet Street and Wood Street. The pitch would be for use for a three-day event in July.

Objections to the application were received.

2 RECOMMENDATION

- 2.1 That the Licensing Sub Committee determines the application.

3 THE REPORT

- 3.1 An application has been received from Mr. Adam Cartwright of LSD Promotions for a new Street Trading Pitch to be created covering Milsom Street, Green Street,

New Bond Street, Quiet Street and Wood Street. Street Trading Consent is required for The Bath Summer Fayre, a three-day event due to take place on the 18th, 19th, and 20th of July 2025. There will be a mix of traders selling food, drink, and artisan products as well as a small number of charities and subscription services. Approximately 80 stalls will be used, varying in size.

3.2 A copy of the application is produced at **Annex A**.

3.3 A copy of the plan supplied to Licensing is provided at **Annex B**

3.4 The times applied for are: 10:00- 19:00, Friday and Saturday. 10:00 – 17:00 Sunday.

3.5 Notices containing application details were hand-delivered to residents and businesses within the proposed event area. Recipients were given until midnight on 25 June 2025 to submit any objections. Information about the application was also published on the Council's website. Notices advertising the application were also displayed within the proposed event area. Details of the application were circulated to the standard list of consultees (see paragraph 9 below for further details).

3.6 Objections to the application have been received from Ms. Gardner, Clarendon Fine Art, and Aesop. These are all businesses located within the proposed event area. A copy of all objections and replies from the applicant is produced at **Annex C**.

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.

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 D**.

- 4.5 Bath and North East Somerset has a Street Trading Policy that was ratified by the Council. These are produced at **Annex E**.
- 4.6 When making a decision consideration needs 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 Protection Team, 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.
- 9.3 This report has not been sent to the Trades Union because they would have no involvement.

Contact person	Jacob Booth. Public Protection Officer (Licensing) Tel: 07977833220
Background papers	Licensing File

Please contact the report author if you need to access this report in an alternative format.

Annex A - Application

From: cis@bathnes.gov.uk <cis@bathnes.gov.uk>
Sent: 03 June 2025 13:45
To: Licensing <licensing@bathnes.gov.uk>
Subject: Application received

**Bath & North East
Somerset Council**

Improving People's Lives

Street trading consent application form received

Submitted on: Tue, 06/03/2025 - 13:02

Reference number: 392382

Licence type

Do you want to apply for street trading consent or for buskers street trading consent?

Street trading consent

About you

Full name

Adam Cartwright

Business trading name

LSD Promotions Ltd

Contact telephone number

[REDACTED]

Contact email address

[REDACTED]

Your address

Annex A - Application

LSD Promotions

Enville Estates

Stourbridge. DY7 5HD

National Insurance number

Do you have a National Insurance number?

Yes

Pitch type

Do you want to apply for a pitch in one location or apply as a mobile trader?

Pitch in one location

Do you want to trade from an existing pitch or create a new pitch?

Create a new pitch

Upload a location plan of your proposed trading location

[site-plan bath-summer-fayre-2025.pdf](#)

Goods details

Please enter details of the products you wish to sell

We are the market/event organiser booking in all the traders for the event. We will have over 80 traders, some local to Bath, and some from further afield. There will be a mix of street food from all over the world, with vegan options included. Local businesses including local restaurants will be given shoutouts via our social media platforms. The goods at the event will be extremely varied and diverse, with artisan products, homemade/handmade products with unique stalls. Regarding other retailers, we take on site visits with BaNES, Bath BID and the Regeneration team in the weeks prior to the event to ensure that our stalls will be located in the most convenient places. We do not saturate any trader lines, and ensure that products sold in the stalls are different to the businesses within their immediate vicinity.

Trading times

Trading days

Friday

Saturday

Sunday

Trading hours

10am - 7pm / 10am - 7pm / 10am - 5pm

Stall details

Annex A - Application

Stall detail

Traders are currently being vetted. All details of traders and their product lines are on a live spreadsheet shared with BaNES and Environmental Health.

Size of stall or gazebo

3m x 3m / 3m x 2m / own units

Stall image

Upload a location plan of your proposed trading location

[temporary-structures-form---bath-summer-fayre-2025.pdf](#)

Bath & North East
Somerset Council



EVENT NAME:

Bath Summer Fayre 2025

STORYBOARD NAME:

Site Plan

EVENT LOCATION:

Bath

EXPORT DATE & TIME:

23/May/25 at 11:28

EXPORT REQUESTED BY:



























100m (~1:1455)



K E Y

-  2x2m Pop up Canopy (1)
-  3x3m Pop up Canopy (54)
-  Bollards (1)
-  First Aid Point (1)
-  Generator (2)
-  Recycling Waste (1)
-  Street Trader Pitch (1)
-  Waste Alleyway (1)

Annex B - Plans
V I E W : Full Site





-  3x2m Pop up Canopy (7)
-  3x3m Pop up Canopy (14)
-  Emergency Exits (3)
-  Fixed Seating (3)
-  HVM (3)
-  Route Vehicle Green (1)
-  Toilets (Temporary) (1)
-  3x2m Pop up Canopy (4)
-  3x3m Pop up Canopy (7)
-  Event Storage Zone (1)
-  General Waste (1)
-  Lost Children (1)
-  Stage (1)
-  Vehicle Barrier Generic (1)





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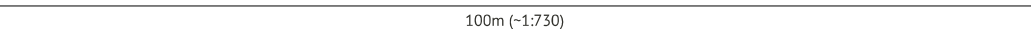
K E Y

-  3x3m Pop up Canopy (48)
-  Fixed Seating (3)
-  HVM (1)
-  Toilets (Temporary) (1)







Annex B - Plans
V I E W : Milsom Street

-  Emergency Exits (1)
-  General Waste (1)
-  Recycling Waste (1)
-  Waste Alleyway (1)
-  Event Storage Zone (1)
-  Generator (1)
-  Route Vehicle Green (1)















K E Y

-  2x2m Pop up Canopy (1)
-  3x3m Pop up Canopy (6)
-  Bollards (1)
-  Generator (1)
-  Route Vehicle Green (1)
-  Vehicle Barrier Generic (1)

Annex B - Plans
V I E W : New Bond Street & Quiet Street

-  3x2m Pop up Canopy (7)
-  3x3m Pop up Canopy (14)
-  Emergency Exits (2)
-  HVM (2)
-  Stage (1)
-  3x2m Pop up Canopy (4)
-  3x3m Pop up Canopy (7)
-  First Aid Point (1)
-  Lost Children (1)
-  Street Trader Pitch (1)



Annex C - Objections and Responses from Applicant

Objection 1A – Ms Gardner's objection to the application

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

From: Lyn Gardner <[REDACTED]>
Sent: 04 June 2025 13:50
To: Licensing <licensing@bathnes.gov.uk>
Subject: Summer Faye

Warning: Unusual sender <[REDACTED]>

You don't usually receive emails from this address.
Make sure you trust this sender before taking any actions.

Hi Aled

Thank you for informing re the above

I have no issue with this event but request that I do not have food tents cooking food adjacent or near my store.

I sell expensive designer clothes and knitwear and have been in Bath 45 years. The last summer fayre I had Korean food right next to the shop all the cooking and food smells came directly into the store. I had to keep the doors and Windows closed. Still the smells pervaded the store

Customers complained of garments smelling of food. ! We also had a Churros stand opposite and a burger stand. It really was negative for my Buisness

I looked at many stalls that we're not hot food based and this is all completely acceptable. The hot food stall need to be located outside stores not selling clothes.

There are numerous options for this. It just requires sympathetic planning to ensure my Buisness is not damaged and jeopardised Representatives of Bath BID visited me during the Fayre and agreed that the cooking smells we're overpowering my store Please can you give me assurance that this will not happen for the next July fayre ?

Warmest regards.

Lyn

Sent from my iPhone

Annex C - Objections and Responses from Applicant

Objection 1B – LSD promotions response to Ms Gardner

From: Jon Holliday <[REDACTED]>
Sent: 09 June 2025 11:17
To: Licensing <licensing@bathnes.gov.uk>
Cc: Adam Cartwright [REDACTED]
Subject: Re: New Application - Bath Summer Fayre Ref. 25/01206/STTRAD

Hi,

The LSD Promotions SMT have discussed the below comments, we take all feedback on board and want to ensure that we keep local businesses happy and have a positive impact on their trade.

Our experienced Event Manager, Adam Cartwright is aware of which business has given the feedback below, and can confirm that we will not place any hot food/catering traders outside their store for Bath Summer Fayre. We place stalls as meticulously as possible with local businesses in mind, and we try to accommodate every business and event trader as best we can in relation to products sold / placement.

Kind Regards

Jon Holliday
Business Development Manager
LSD Promotions



[Facebook](#) | [Instagram](#) | [Twitter](#) | [Website](#) | [REDACTED]

Annex C - Objections and Responses from Applicant

Objection 1C – Licensing sends the response to Ms Gardner.

From: Licensing

Sent: 10 June 2025 10:31

To: [REDACTED]

Subject: RE: New Application - Bath Summer Fayre Ref. 25/01206/STTRAD

Good morning Lyn.

We hope you are well.

In response to your objection to the above application, the event organisers have responded with the following.

'Hi,

The LSD Promotions SMT have discussed the below comments, we take all feedback on board and want to ensure that we keep local businesses happy and have a positive impact on their trade.

Our experienced Event Manager, Adam Cartwright is aware of which business has given the feedback below, and can confirm that we will not place any hot food/catering traders outside their store for Bath Summer Fayre. We place stalls as meticulously as possible with local businesses in mind, and we try to accommodate every business and event trader as best we can in relation to products sold / placement.'

Likewise, they have given the following email address if you would like to contact them directly:

[REDACTED]

If you still want to object to this application, please let this office know before **25 June 2025** via email.

Kind regards

Licensing Services

Public Protection and Health Improvement Service

Bath & North East Somerset Council

Email: Licensing@bathnes.gov.uk

www.bathnes.gov.uk

www.twitter.com/bathnes

Annex C - Objections and Responses from Applicant

Objection 1D – Licensing sends a follow-up email asking Ms Gardner if she would like to object.

From: Licensing

Sent: 24 June 2025 13:50

To: [REDACTED]

Subject: RE: New Application - Bath Summer Fayre Ref. 25/01206/STTRAD

Good afternoon, Lyn.

We hope you are well.

Following the response from LSD Promotions on 10th June (detailed below), we would be grateful if you could confirm whether you still wish to maintain your objection to this application. If we do not receive a response before midnight on 25th June, we will proceed on the basis that your objection remains and arrange for a Licensing Sub Committee hearing to be convened. We will share the date and time of the hearing with you following the consultation period.

Kind regards

Licensing Services

Public Protection and Health Improvement Service

Bath & North East Somerset Council

Email: Licensing@bathnes.gov.uk

www.bathnes.gov.uk

www.twitter.com/bathnes

Annex C - Objections and Responses from Applicant

Objection 2A – Clarendon Fine Art Objection

From: Clarendon Fine Art Bath <[REDACTED]>
Sent: 10 June 2025 16:36
To: Licensing <licensing@bathnes.gov.uk>
Cc: Soeren Dahl <[REDACTED]>
Subject: Objection - Bath Summer Fayre - New Bond Street - ATTN ALED WILLIAMS

Dear Aled,

REFERENCE: 25/01206/STTRAD

I would like to register an objection to the Summer Fayre Stalls 18th/19th/20th July which are proposed along New Bond Street, Bath.

Our gallery is on that street and the Food Festival and the Summer Fayre last year has historically had an adverse effect on our footfall, as the back of the stalls have blocked our doorway and clients have thought that we were closed as our entranceway was obscured. This combined with food odours from the stalls has made it difficult for us to exercise our company wide open-door-policy.

We feel that the Festival has a detrimental effect on our business and that New Bond Street is too narrow a street to have the number of proposed stalls erected.

We do not object to the Festival in the main but feel it would better serve the businesses on the street if the stalls ended at the bottom of Milsom Street, and so pedestrian access to the businesses on this street is not hindered.

Yours sincerely,

Rachel Kelly

Art Consultant

Clarendon Fine Art Gallery, 17 New Bond Street, Bath, BA1 1BA

[REDACTED]

[REDACTED]

CLARENDON
FINE ART

Annex C - Objections and Responses from Applicant

Objection 3A - Aesop, Bath's objection to application.

From: Aesop Bath <[REDACTED]>
Sent: 20 June 2025 13:23
To: Licensing <licensing@bathnes.gov.uk>
Cc: Leann Driver <[REDACTED]>
Subject: Bath Summer Fayre Objection

Dear Adam,

I hope we find you well this afternoon.

Please accept this email as our objection to the Summer Fayre on New Bond Street.

The Spring Fayre heavily impacted our business and ability to trade due to the two stalls which were extremely close to the front of our store. As Aesop does not believe in 'standing out' with big and obvious branding we rely heavily on passing customers being able to see the full shop front in order to decide to visit us.

In addition, the noise created by the fayre contradicted the calm and relaxing environment that we strive to create for our customers. While we support the efforts to bring more footfall to the top end of the city, New Bond Street does not seem the most appropriate area for this.

Best regards,

Aesop Bath

Best regards

Aesop Bath

Aesop

16 New Bond Street, Bath, BA1 1BA, United Kingdom

Phone +[REDACTED]

[Website](#) . [Careers](#) . [Sustainability](#)

Aesop wishes to protect the welfare of its people and partners. If this email finds you after hours, a reply is not expected.

'Adventure is worthwhile.' **Aesop the Fabulist**



Annex C - Objections and Responses from Applicant

Objections 3B – Response from LSD Promotions to Aesop, Bath.

From: Jon Holliday [REDACTED]
Sent: 23 June 2025 14:56
To: Licensing <licensing@bathnes.gov.uk>
Cc: Dermot McGillicuddy [REDACTED] Adam Cartwright
<[REDACTED]>; Linda Todd <[REDACTED]>; Kristine Khan [REDACTED]
Subject: Re: New Application - Bath Summer Fayre Ref. 25/01206/STTRAD

Dear Licensing,

Our response to this objection is as follows:

1. The Spring Fayre heavily impacted our business and ability to trade due to the two stalls which were extremely close to the front of our store. As Aesop does not believe in 'standing out' with big and obvious branding we rely heavily on passing customers being able to see the full shop front in order to decide to visit us.

LSD regularly review the position of stalls with the event footprint, and we would like to provide assurances that we do so with bricks and mortar businesses in mind. We want to create an event that not only benefits the market traders, but also the shops in the City and we ensure our site plans are reasonably considered to find a balance that enhances the area for all. We do this by allowing access to doors to the businesses and where possible we aim to not cover the whole of the shop windows with the stalls.

It is also important to highlight that the event footprint has been through a rigorous application process, which was viewed and supported by the Safety Advisory Group for Events (SAGE). Therefore, the footprint has not been approved unilaterally by LSD Promotions and has instead involved key stakeholders in the city, including the Fire & Rescue Team, Police, Health & Safety, Environmental Protection and others. All stakeholders viewed and deemed this event footprint to be acceptable and safe for the public and for emergency vehicles to access if needed. We work very closely with BaNES and BID to allocate the stalls in the best areas that still allow access to businesses, as far as reasonably practical.

Having said that, I can confirm that LSD are agreeable to removing the stall in front of the objectors shop for the Summer Fayre to bring the matter to conclusion. We would, however, recommend that the shop promote the Fayre in their store, by having a window display as this may in turn contribute to attracting the public to their shop.

2. In addition, the noise created by the fayre contradicted the calm and relaxing environment that we strive to create for our customers. While we support the efforts to bring more footfall to the top end of the city, New Bond Street does not seem the most appropriate area for this.

Annex C - Objections and Responses from Applicant

LSD have submitted all safety documentation for this event which includes a site plan and a noise management plan as part of the application process. Within our application, we chose an entertainment area which was already used by buskers on non-event days and therefore it is our view that as this is a designated busking area, that noise from entertainment will be noticed whether this event is on or not and therefore, it is not a reasonable or valid objection. Again, SAGE reviewed this application which granted us the licence to put on the spring event and demonstrates that allocating entertainment in a designated busking area, is more than reasonable. For the summer event footprint, this goes through the same rigorous application process, which is the same as previous events which was accepted by SAGE and Environmental Health for our last three events. However, to be reasonable, I can confirm that LSD will position the speakers to face away from the shop to redirect the sound.

Kind regards

Jon Holliday
Business Development Manager
LSD Promotions



[Facebook](#) | [Instagram](#) | [Twitter](#) | [Website](#) |



Annex C - Objections and Responses from Applicant

Objection 3C – Licensing sends LSD Promotions response to Aesop, Bath

From: Licensing

Sent: 23 June 2025 15:35

To: [REDACTED]

Cc: [REDACTED]

Subject: FW: New Application - Bath Summer Fayre Ref. 25/01206/STTRAD

Good afternoon Aesop, Bath.

We have received a response to your objection from the organisers of the Bath Summer Fayre (please see below)

Should you wish to contact them directly, please use the following email address:

[REDACTED]

If you would still like to carry forward this objection to the application, please reply to this email before midnight on 25 June 2025. In such an instance, a Licensing Sub-Committee will be convened to determine the application and you will be notified of the date and time shortly.

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



Bold



Empowered



Supportive



Transparent

Annex C - Objections and Responses from Applicant

Objection 3D – Licensing asks Aesop, Bath to confirm if they are withdrawing their objection.

From: Licensing

Sent: 24 June 2025 13:56

To: [REDACTED]

Cc: [REDACTED]

Subject: RE: New Application - Bath Summer Fayre Ref. 25/01206/STTRAD

Good afternoon Aesop, Bath

We hope you are well.

Following the response from LSD Promotions on 23 June (detailed below), we would be grateful if you could confirm whether you still wish to maintain your objection to this application. If we do not receive a response before midnight on 25th June, we will proceed on the basis that your objection remains and arrange for a Licensing Sub Committee hearing to be convened. We will share the date and time of the hearing with you following the consultation period.

Kind regards

Licensing Services

Public Protection and Health Improvement Service

Bath & North East Somerset Council

Email: Licensing@bathnes.gov.uk

www.bathnes.gov.uk

www.twitter.com/bathnes

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.