

# **North Somerset Council**

## **Report to the licensing sub-committee**

**Date of meeting: Monday 21 August 2023**

**Subject of report: grant of a street café permit to The Limehouse, 59 Hill Road, Clevedon, Somerset, BS21 7PD**

**Town or parish: Clevedon**

**Officer/member presenting: Director of Public Health**

**Key decision: no**

## **Recommendations**

That the Licensing Sub-Committee considers and determines the application made by Mr David Jones for a Street Cafe Permit at The Limehouse, 59 Hill Road, Clevedon, Somerset, BS21 7PD

### **1. Summary of report**

- 1.1 An application has been received from Mr Jones for permission to place tables and chairs on the highway. Consultations have been carried out and an objection against the grant of the licence has been raised by a local resident. The principle concerns raised are, public health and anti-social behaviour.

### **2. Policy**

- 2.1 On the 26<sup>th</sup> January 2009 a district wide scheme for the placing of tables and chairs on the highway was approved by the Executive Member for Strategic Planning Highways and Economic Development. The approved scheme included guidance notes for applicants which set out the procedural and policy requirements for the operation of the scheme. The most recent policy review was in January 2020. A copy of the policy will be available at the hearing.

## **Details**

- 3.1 The premises currently holds a Street Café Permit for tables and chairs on the public footpath area directly outside the premises. This permit was issued under the Business and Planning Act 2020 and is in place until 30 September 2023 where it will need to be renewed.
- 3.2 The Business and Planning Act 2020 was introduced with the purpose of allowing certain business sectors to operate whilst managing the risks arising from the COVID-19 pandemic.

- 3.2 In June 2023 a further application under the Business and Planning Act 2020 was received to place additional furniture on the highway within the 'parklet' area in Hill Road. Objections to this application were received which resulted in the application being refused.
- 3.4 An application has been received from Mr David Jones for permission to place tables and chairs on the highway at, The Limehouse, 59 Hill Road, Clevedon, Somerset, BS21 7PD. A copy of the application made is shown at **Appendix 1**
- 3.5 The applicant has requested the use of the highway as a Street Café area during the following times:

	MON	TUES	WED	THURS	FRI	SAT	SUN
FROM	12:00	12:00	12:00	12:00	12:00	12:00	12:00
TO	20:00	20:00	20:00	20:00	20:00	20:00	20:00

- 3.6 The application site for the proposed Street Café area is shown in the general location plan at **Appendix 2**.
- 3.7 The Limehouse, 59 Hill Road, Clevedon, Somerset, BS21 7PD has commercial and residential properties within 100 metres of the premises.
- 3.8 This is a new application made under the Highways Act 1980, for the parklet area on the public highway and no permissions have previously been granted to place tables and chairs on this site.

#### 4. Consultation

- 4.1 Officers have followed the consultation process as outlined in the agreed Street Café Licence Guidelines.
- 4.2 A notice was placed at the premises for a period of 28 days detailing the application made.
- 4.3 As a result of the consultations the following responses have been received:

Consultee	Response
Avon and Somerset Constabulary	No adverse comments received
Avon Fire and Rescue Service	No adverse comments received
Ward Member(s)	No adverse comments received
Road Safety	No adverse comments received
Town Council	No adverse comments received
Planning Team	No adverse comments received
Food, Health and Safety Team	No adverse comments received
Environmental Protection Team	No adverse comments received,
Interested Parties	Representation has been received from a local resident. The main concerns raised were with regarding public health and the anti-social behaviour of people using the premises.

4.4 The comments made by the above consultees are shown at **Appendix 3**

## **5. Financial implications**

**Costs** – None

**Funding** - None

## **6. Legal powers and implications**

6.1 The Licensing Authority recognises that its licensing function is only one means of securing the delivery of the service. The Licensing Authority will therefore continue to work in partnership with other stakeholders, such as the Police, Crime & Disorder Partnerships and the Vehicle and Vehicle Standards Agency (DVSA) towards the promotion of any licensing objectives.

6.2 In undertaking this licensing function, the Licensing Authority has regard to the following legislation:

- Highways Act 1980
- The Equality Act 2010
- The European Convention on Human Rights, which is applied by the Human Rights Act 1998
- The Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) Order 2002

6.3 The Licensing Authority also has regard to any other relevant legislation, strategies, policies, and guidance in its decision-making.

## **7. Climate change and environmental implications**

There are no climate change or environmental implications noted in this report.

## **8. Risk management**

8.1 Regularly reviewing licensing policies and practices and using a risk-rated approach to both proactive and reactive enforcement reduces the risk to the Authority. Ensuring MoU agreements are in place with external partner agencies will also help strengthen roles and responsibilities surrounding Licensing work.

## **9. Equality implications**

None.

## **10. Corporate implications**

10.1 Under the provisions of the Highways Act 1980 the Council may grant permission to place tables and chairs on the highway as they deem appropriate. When granting a permit, the Council may attach such conditions to it as they consider reasonably necessary.

- 10.2 There are no legal rights of appeal against the Licensing Sub-Committee's decision to refuse to grant a permit to place tables and chairs on the highway. Judicial Review on procedural issues in dealing with the application is though possible.
- 10.3 The provisions of the Human Rights Act 1998 apply to the process of granting a permit to place tables and chairs on the highway.

## **11. Options considered**

- 11.1 The following options are available to the Licensing Sub-Committee with regard to the application that has been made:
- a) Grant the application as applied for.
  - b) Grant the application as applied for but with modifications to the terms sought.
  - c) Refuse the application.
- 11.2 Should the application be granted the standard conditions as outlined in the guidance notes are recommended to be attached to the permit granted.

### **Author**

Caz Horton, Licensing Officer

Tel: 01934 426800

### **Background papers**

Highways Act 1980  
North Somerset Council Street Café Policy

# Highways Act 1980

## STREET CAFÉ/OUTDOOR SEATING AREA LICENCE APPLICATION FORM

Please complete this application form in **BLOCK CAPITALS** and **BLACK ink**

I/we wish to apply for a licence to operate a street café on the highway within the North Somerset Council's area.

**SECTION A – Applicant Details**

<b>Applicant's Name</b>	DAVID JONES
<b>Telephone Number</b>	07824 612 844
<b>Mobile Number</b>	07824 612 844
<b>Email Address</b>	david@thelimehouse.co.uk

**NB.** The licence, when granted, is personal to the named licensee and cannot be assigned. If the named licensee changes, a new licence will be required and the appropriate fee will be charged.

<b>Business name:</b>	LIMEHOUSE
<b>Address of street café/outdoor seating area for which a licence is sought</b>	59 Hill Road Clevedon
	BRISTOL
	Post Code: BS21 7PD
<b>Telephone number (if different from above)</b>	
<b>Seating capacity of the existing internal premises</b>	85

<b>Are you making this application on behalf of another person?</b>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
<b>If yes, in what capacity</b>		
<b>Please give your name</b>		
<b>Address for correspondence if different from above</b>		
	<b>Post Code:</b>	

**SECTION B - Site Details**

**Dimensions, size and layout**

Size of the proposed Street café/outdoor seating area	Width (m): 460 cm	Depth (m): 180 cm
Proposed number of tables	3	
Proposed number of chairs	9	
Proposed number of parasols	3	
Proposed number of space heaters	/	
Will the proposed licensed area extend beyond your own premises?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

**NB.** If yes above, it is unlikely that the Council will approve your application.

Existing sanitary provision to the premises	Males		Females	
	WC's - /	Urinals - /	WC's - /	WHB's - /
Disabled person's facilities?	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>

**Hours of operation of the proposed street café area**

Days of the week (✓)	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Hours							
From	12.00 hrs	12.00 hrs	12.00 hrs	12.00 hrs	12.00 hrs	12.00 hrs	12.00 hrs
To	20.00 hrs	20.00 hrs	20.00 hrs	20.00 hrs	20.00 hrs	20.00 hrs	20.00 hrs

**Managing the Licensed Area**

Where will the food served in the licensed area be stored and prepared?	KITCHEN
Will alcoholic drinks be served and consumed within the street café area?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
If YES, please state: Premises Licence Number	NSC/041148
Designated Premises Supervisor's (DPS) name	PAUL JONES
DPS Personal Licence Number	BH0017695

## SECTION C – Compulsory Requirements

There are a number of requirements, as set out in the Street Café/Outdoor Seating Area Guidelines that must be complied with in order for your application to be considered. Please confirm that the following will be provided by ticking the boxes adjacent to the statements.

I/We confirm that:

	Please ✓
Food will be available and served throughout the proposed opening hours.	/
Toilet and hand washing facilities will be provided for customers free of charge.	/
All wheeled refuse bins will be stored internally and will not be placed on or adjacent to the street café area.	/
A-boards, advertising signs, beer kegs, bottle crates or any other unsightly or unapproved items will not be placed on or adjacent to the street café area.	/
Furniture, means of enclosure and, if appropriate, parasols or space heaters will not be stored on the highway when not in use or when the street café is closed.	/
Whilst the main premises are open for business, internal storage space will be available for all street café furniture.	/

**NB. If your application is successful, the operation of your street café/outdoor seating**

## SECTION D – Checklist of Required Supporting Documents

Please tick the checklist boxes to ensure that with this application form you provide the supporting plans, drawings and any other required documents. These should be up-to-date and accurate and show fully and clearly what you are applying for.


I/We enclose:

	Please ✓
Three copies of a 1:1250 scale location plan on which your premises and the proposed street café area are clearly outlined.	/
Three copies of a 1:100 or 1:50 scale site plan showing the building line of the application premises and adjacent buildings, the location of the kerb line, the distance between the building line and the kerb line, the precise boundary of the proposed street café area giving exact metric measurements of the width and depth of the area, the location of all accesses on your frontage including fire exits, the location of existing obstructions within or near to the street café area e.g. lamp posts, bollards, trees, etc., the size and location of the proposed tables, chairs and other furniture and the size and location of enclosure barriers. (See Street Café Guidelines for further guidance).	/
Photographs, brochures or scaled drawings showing design, dimensions, colour and materials of the tables and chairs you propose to use.	/
Photographs, brochures or scaled drawings showing design, dimensions, colour and materials of the proposed means of enclosure.	/
Public liability insurance certification (minimum of £5,000,000 cover).	/

A cheque, made payable to North Somerset Council, for the appropriate application fee.	
A sample copy of your menu for the proposed licensed area.	
If appropriate, photographs, brochures or scaled drawings showing design, dimensions, colour and materials of the parasols you propose to use. Their proposed locations must also be shown to scale on the site plans.	
If appropriate, photographs, brochures or scaled drawings showing design, dimensions, colour and materials of the space heaters you propose to use. Their proposed locations must also be shown to scale on the site plans.	
Relevant health and safety risk assessments.	

### SECTION E - Declaration

I declare that I am over 18 years of age and I certify that, to the best of my knowledge and belief, the information I have provided in this application form and on the submitted plans is both accurate and correct.

Signed (applicant)	
Signed (on behalf of applicant)	
Name of Company (if applicable)	IMPRESSIVE BARS LTD TA LIMEHOUSE
Position in Company (if applicable)	COMPANY DIRECTOR
Dated	23/06/23

#### Data Protection – Privacy Notice

The personal data you provide on this form will be used by North Somerset Council to administer your licence. In order to protect public safety, this may include the use of sensitive personal data (criminal offences) to help assess whether you are a fit and proper person to hold a licence.

We may occasionally share your personal data with other Council departments and with other bodies (notably Housing Benefits, the Police, Inland Revenue) for the purposes of protecting public money, preventing and detecting crime and/or fraud and ensuring public safety. Such sharing will only occur on a case-by-case basis where a justifiable purpose in line with legislation has been demonstrated. Direct sharing of information will take place with North Somerset Council Integrated Transport Team in connection with provision of Home to School and other contracted services. The information may also be used for internal training.

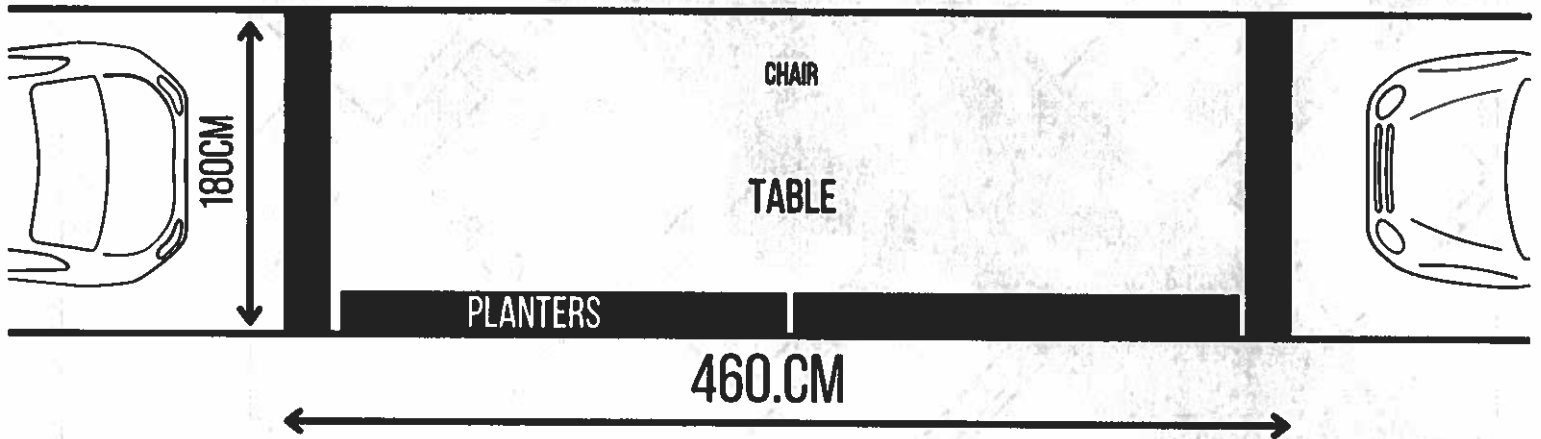
North Somerset Council is registered with the Information Commissioner's Office for the purposes of processing personal data. The information you provide will be held and used in accordance with UK and European data protection law. For further details on how we use your personal information in the delivery of the Environmental Protection & Licensing service, please read our full privacy notice available at [www.http://www.n-somerset.gov.uk/my-business/licensing/](http://www.n-somerset.gov.uk/my-business/licensing/) If you have any concerns about how your personal data is handled, please contact the Data Protection Officer at [DPO@n-somerset.gov.uk](mailto:DPO@n-somerset.gov.uk).



# LIMEHOUSE

EXISTING STREET CAFE AREA

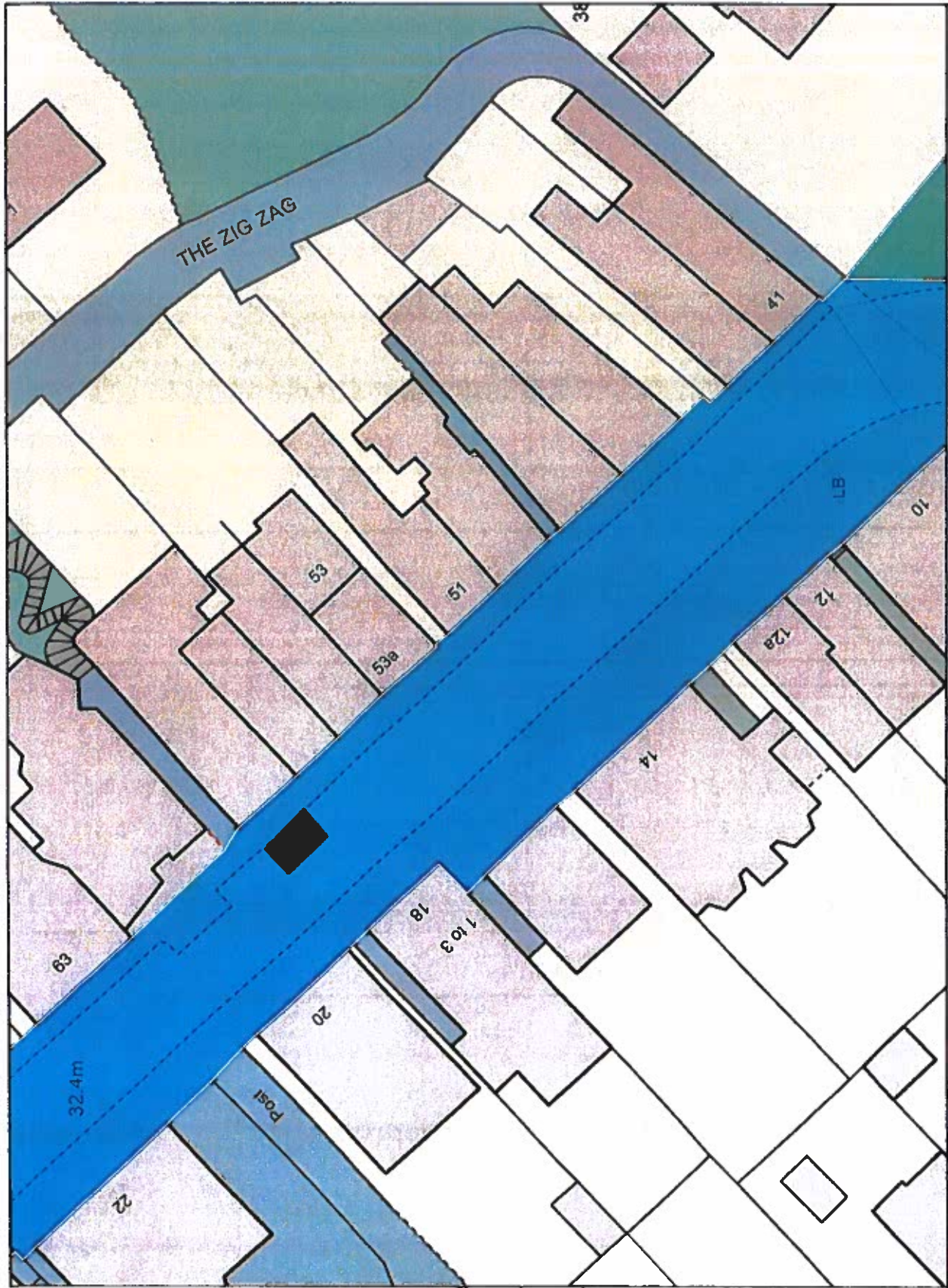
PAVEMENT



HILL ROAD



# APPENDIX 4



Scale: 1:500  
 Drawn by: Caz Horton  
 Date: 08 August 2023  
 Time: 10:05:39

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- Land and property
- Infrastructure
- Highways adoption
  - A Class Highway
  - Adopted footpath/cyclepath
  - B Class Highway
  - C Class Highway
  - Class 4 (Unclassified Road)
  - Highways stopped up (closed)
  - Pedestrianised Roads
  - Prospectively Maintained Road (private road)
  - Not-adopted with Section 38 Agreement
  - Not-adopted with Section 106 Agreement
  - Unclassified Road
  - Street lighting



## APPENDIX 3

North 30  
77 Hill 2023  
Council Licensing

18/07/2023

re LIMETTUSE, 59 Hill Rd, Clevedon BS21 7PD  
Application for street cafe/ outdoor seating

Dear Licensing Team,

I write in OPPOSITION to the application for the above by David Jones, on 30/6/23.

As a local resident, I use the local cafes and also Hill Road as a pedestrian. I have encountered repeated difficulties this year with the customers of the limchase who behave inconsiderately and are not creating a safe environment for others.

I have two major concerns:

① HEALTH - there are frequently between 5 and 20 customers of the limchase, outside the premises on the pavement and road, who are smoking/vaping. The pavement is engulfed in a carcinogenic cloud of smoke, the pedestrians are forced onto the road as the pavement is impassable due to the sheer volume of smokers.

The limchase door is in a constant state of opening and shutting to allow exit and entry of smokers, with the consequence that the ambient noise of the interior (including LOUD live music) pollutes the environment and disturbs residents.

(2) ANTISOCIAL BEHAVIOUR - the smoking customers of the kiosk are inconsiderate and are not managed by the premises. The behaviour of customers has been both intimidating and threatening, forcing people to walk off the pavement into the road, sometimes as far as the middle of the road by the volume of people spilled out from the kiosk.

I have witnessed a fight involved 4 customers which resulted in a broken window in a neighbouring charity shop. Despite the employees of the kiosk being alerted at the time, it would appear that no responsibility for this action of their customers on the pavement <sup>was taken</sup> and indeed they were allowed to return inside the kiosk.

It is noteworthy that the other licensed premises and restaurants on Hill Road who manage outside seating and street cafe, do so with consideration and responsibility. This year the kiosk owners have failed to behave with consideration and responsibility. To give them greater space outside their premises is highly likely to make Hill Road a less healthy and safe environment.

Yours faithfully

