

Democratic Services

Riverside, Temple Street, Keynsham, Bristol BS31 1LA

Telephone: (01225) 477000 *main switchboard*

Direct Line: 01225 394458

Web-site - <http://www.bathnes.gov.uk>

Date: 27th June 2014

E-mail: Democratic_Services@bathnes.gov.uk

To: All Members of the Planning, Transport and Environment Policy Development and Scrutiny Panel

Councillor Marie Longstaff

Councillor Lisa Brett

Councillor David Martin

Councillor Douglas Nicol

Councillor Liz Richardson

Councillor Roger Symonds

Councillor Brian Webber

Cabinet Member for Homes & Planning: Councillor Tim Ball

Cabinet Member for Neighbourhoods: Councillor David Dixon

Cabinet Member for Transport: Councillor Caroline Roberts

Chief Executive and other appropriate officers

Press and Public

Dear Member

Planning, Transport and Environment Policy Development and Scrutiny Panel: Tuesday, 8th July, 2014

You are invited to attend a meeting of the **Planning, Transport and Environment Policy Development and Scrutiny Panel**, to be held on **Tuesday, 8th July, 2014 at 9.30 am** in the **Council Chamber - Guildhall, Bath**.

The agenda is set out overleaf.

Yours sincerely



Mark Durnford
for Chief Executive

If you need to access this agenda or any of the supporting reports in an alternative accessible format please contact Democratic Services or the relevant report author whose details are listed at the end of each report.

This Agenda and all accompanying reports are printed on recycled paper

NOTES:

1. **Inspection of Papers:** Any person wishing to inspect minutes, reports, or a list of the background papers relating to any item on this Agenda should contact Mark Durnford who is available by telephoning Bath 01225 394458 or by calling at The Guildhall, Bath (during normal office hours).
2. **Public Speaking at Meetings:** The Council has a scheme to encourage the public to make their views known at meetings. They may make a statement relevant to what the meeting has power to do. They may also present a petition or a deputation on behalf of a group. Advance notice is required not less than two full working days before the meeting (this means that for meetings held on Wednesdays notice must be received in Democratic Services by 4.30pm the previous Friday)

The public may also ask a question to which a written answer will be given. Questions must be submitted in writing to Democratic Services at least two full working days in advance of the meeting (this means that for meetings held on Wednesdays, notice must be received in Democratic Services by 4.30pm the previous Friday). If an answer cannot be prepared in time for the meeting it will be sent out within five days afterwards. Further details of the scheme can be obtained by contacting Mark Durnford as above.

3. **Details of Decisions taken at this meeting** can be found in the minutes which will be published as soon as possible after the meeting, and also circulated with the agenda for the next meeting. In the meantime details can be obtained by contacting Mark Durnford as above.

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For Councillors and Officers papers may be inspected via Political Group Research Assistants and Group Rooms/Members' Rooms.

4. **Attendance Register:** Members should sign the Register which will be circulated at the meeting.
5. THE APPENDED SUPPORTING DOCUMENTS ARE IDENTIFIED BY AGENDA ITEM NUMBER.
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**Planning, Transport and Environment Policy Development and Scrutiny Panel - Tuesday,
8th July, 2014**

at 9.30 am in the Council Chamber - Guildhall, Bath

A G E N D A

1. WELCOME AND INTRODUCTIONS

2. EMERGENCY EVACUATION PROCEDURE

The Chair will draw attention to the emergency evacuation procedure as set out under Note 6.

3. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

4. DECLARATIONS OF INTEREST

At this point in the meeting declarations of interest are received from Members in any of the agenda items under consideration at the meeting. Members are asked to indicate:

(a) The agenda item number in which they have an interest to declare.

(b) The nature of their interest.

(c) Whether their interest is **a disclosable pecuniary interest** or an **other interest**,
(as defined in Part 2, A and B of the Code of Conduct and Rules for Registration of Interests)

Any Member who needs to clarify any matters relating to the declaration of interests is recommended to seek advice from the Council's Monitoring Officer or a member of his staff before the meeting to expedite dealing with the item during the meeting.

5. TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

6. ITEMS FROM THE PUBLIC OR COUNCILLORS - TO RECEIVE DEPUTATIONS, STATEMENTS, PETITIONS OR QUESTIONS RELATING TO THE BUSINESS OF THIS MEETING

At the time of publication no notifications had been received.

7. MINUTES (Pages 7 - 18)

8. CABINET MEMBER UPDATE

The Cabinet Member(s) will update the Panel on any relevant issues. Panel members may ask questions.

9. 7.5T HGV WEIGHT RESTRICTION, THE STREET, STOWEY (Pages 19 - 20)

The Panel will discuss a briefing note that has been prepared regarding this item.

10. CORE STRATEGY UPDATE

The Cabinet Member for Homes & Planning and the Group Manager for Policy & Environment will provide the Panel with a verbal update on this matter prior to its debate at Council later in the week.

11. COUNCIL'S STATEMENT OF PRINCIPLES (LICENSING POLICY) (Pages 21 - 72)

In accordance with statutory guidance the Policy must be reviewed at least every 5 years. The Council is currently consulting on its revised policy statement and this report presents the proposed revised policy together with a new accompanying code of best practice. The formal consultation is running between 30th April and 30 July 2014.

12. REVIEW OF THE COUNCIL'S STREET TRADING POLICY AND CONDITIONS (Pages 73 - 92)

This report explains why the Council is reviewing its street trading policy which was last updated in 2010. The Council is formally consulting on this review which began on 1st June and ends on 30th July 2014.

13. PANEL WORKPLAN (Pages 93 - 96)

This report presents the latest workplan for the Panel.

The Committee Administrator for this meeting is Mark Durnford who can be contacted on 01225 394458.

BATH AND NORTH EAST SOMERSET COUNCIL

**PLANNING, TRANSPORT AND ENVIRONMENT POLICY DEVELOPMENT AND
SCRUTINY PANEL**

Monday, 19th May, 2014

Present:- Councillors Marie Longstaff (Chair), Lisa Brett (Vice-Chair), David Martin, Douglas Nicol, Liz Richardson, Roger Symonds and Brian Webber (In place of Les Kew)

Also in attendance: David Trigwell (Divisional Director - Planning and Transport), Peter Dawson (Group Manager, Planning Policy & Transport) and Matthew Smith (Divisional Director, Environmental Services)

Cabinet Member for Neighbourhoods: Councillor David Dixon

Cabinet Member for Transport: Councillor Caroline Roberts

1 WELCOME AND INTRODUCTIONS

The Chair welcomed everyone to the meeting.

2 EMERGENCY EVACUATION PROCEDURE

The Chair drew attention to the emergency evacuation procedure.

3 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Councillor Les Kew had sent his apologies to the Panel. Councillor Brian Webber was present as his substitute for the duration of the meeting.

4 DECLARATIONS OF INTEREST

There were none.

5 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

There was none.

**6 ITEMS FROM THE PUBLIC OR COUNCILLORS - TO RECEIVE DEPUTATIONS,
STATEMENTS, PETITIONS OR QUESTIONS RELATING TO THE BUSINESS OF
THIS MEETING**

Mr John Eke made a statement to the Panel regarding a 7.5T HGV Weight Restriction for The Street, Stowey. A copy of the statement can be found on the Panel's Minute Book, a summary is set out below.

He explained that The Street is a busy, steep, narrow and twisting road with several pinch points made worse by poor oncoming visibility. This makes HGV traffic

exceptionally dangerous to other road users including vehicles, school transport and the many cyclists, horse riders and walkers. He added that HGV traffic causes substantial road and property damage, obstructs traffic and undermines the environment and local amenities.

He informed the Panel that the narrowest part of the road at the lower end of the village was only five metres wide and insufficient room for a lorry and car to pass at crawling speed let alone two lorries at greater speed. He said that the screeching of brakes and near misses was a common occurrence.

He spoke of how he had lived at the lower end of Stowey for 44 years, during which time the impact of HGV traffic had steadily worsened. He added that the situation had become exacerbated by HGV Sat-Nav routes through Stowey, growing airport traffic and use of the Street as a 'rat run'.

He explained that in January, yet again a 6 axle lorry hit and damaged the wall outside of his house whilst trying to avoid a smaller lorry coming up the road, the third such HGV accident outside our house in the last 6 months. The incident was reported to the B&NES Traffic Department but repairs are still awaited.

He said that representations had been made on numerous occasions in the past for HGV traffic to be banned from using the Street in Stowey, except for local access and that his colleague Alana Weeks would deal with that in her presentation.

Mrs Alana Weeks made a statement to the Panel regarding a 7.5T HGV Weight Restriction for The Street, Stowey. A copy of the statement can be found on the Panel's Minute Book, a summary is set out below.

She informed the Panel that on October 3rd 2000 the B&NES Transportation Sub-Committee resolved to introduce a 7.5T HGV Weight Restriction on 3 roads near Stowey Quarry including The Street. She added that the proposal was included in the 2000 / 2001 Capital Programme.

She said that the grounds for the decision were the unsuitability of The Street for HGV traffic, namely damage and costs caused by HGVs, road safety and pollution. She added that the resolution was not implemented, apparently because an employee left B&NES and that whilst this was a governance issue it was also an opportunity and asked for the resolution to be implemented forthwith.

She then spoke of Stowey Quarry and how B&NES had never intended for the 100 quarry lorries per day to use The Street. She said that the 1997, 2007/8 and proposed 2010 planning conditions consistently provide that Stowey Road/A37 was the designated route.

She explained that in 2012, B&NES and local residents (backed by the Parish Council, PACT and Police) agreed:

- A 30mph speed limit on The Street (introduced in August 2012)
- And a 7.5T HGV Weight Restriction (subject to funding and a TRO); and the route plan was approved in January 2012.

She said that the 2010 Quarry planning application, which included funding for a 7.5T HGV Weight Restriction, was rejected in November 2013. However B&NES confirmed its continued support for the 7.5T HGV Weight Restriction (subject to funding and a TRO) in January 2014.

She added that residents were therefore shocked to learn at a Parish Council meeting on 5 February 2014 that B&NES no longer accepts the need for a 7.5T HGV Weight Restriction.

She informed the Panel that the view of the Divisional Director for Environmental Services on March 18th 2014 was that B&NES' prior support for the 7.5T HGV Weight Restriction was no longer relevant and that a vehicle count would be undertaken to determine current need.

Councillor Vic Pritchard addressed the Panel. He thanked the members of the public for their statements and said that they represent the views of Stowey as all residents support this proposed action.

He said that the resolution that was approved by the Transportation Sub-Committee in 2000 was proposed by the now Cabinet Member for Transport, Councillor Caroline Roberts and that all actions necessary would be used to introduce the TRO.

He commented that having a vehicle count would be nonsense and asked the Panel to use their powers to persuade the Cabinet Member to implement and release the necessary funds, believed to be in the nature of £5,000.

Councillor Caroline Roberts commented that with regard to Stowey she was in favour of a weight limit to protect our roads.

The Divisional Director for Environmental Services commented that due to the passage of time between now and the original decision some form of survey would be expected and evidence required should any forthcoming decision be challenged. He offered to report back on the matter to the Panel in July.

The Chair asked for the report to be added to the Panel's workplan.

Councillor Pritchard wished to address the Panel on another matter. He questioned the number of signs in Stowey that related to flooding as he had been contacted by residents that felt there were too many. He said that there were only 3 fords in the area and he was concerned that the numerous signs in advance of the fords were because officers were not sure exactly where the floods would occur.

He also said the signs were put in place without having a discussion with residents. He added that residents were promised a retrospective consultation and asked when that would take place.

Councillor Caroline Roberts replied that she felt the warning signs were adequate as a preventative measure to protect the public. She added that talks with the residents of Stowey and other affected areas would take place prior to July meeting of the Panel.

Councillor Tim Warren addressed the Panel. He spoke of his disappointment at the lack of content in the Bath Transport Strategy document that was launched at the Bath City Conference.

He said he would have preferred to have seen an actual strategy coming forward rather than a series of questions and no real detail but did not wish for the process to be delayed any further.

He called for a real cross party strategy that all groups could genuinely get behind and give direction for the next 20 or 30 years. He stated that the Council alongside the public must agree on the vision, the objectives, the transport initiatives, the criteria for selecting these initiatives and the relevant importance of each. He added that in the short to medium term the Council needs to know the approximate cost, timescale and feasibility of each scheme.

He commented that he understood that the main initiatives coming out of this consultation to go forward into a strategy were a walking network, a cycle network, a traffic management review, a bus review, a review of Park & Ride facilities, with an East of Bath Park & Ride the most crucial. He said this could be served by buses, trains or even boats. He said he was also pleased to see that an A36 / A46 link road was mentioned.

He stated that he believed that to make the Bath Transport Strategy work new public transport initiatives in North East Somerset will be required and discussions with Wiltshire as well.

He said that he would like to meet with Councillor Caroline Roberts and her officers to discuss the next stages and to then form a transport group including members of all political parties, the Transport Commission and a few informed community members who have shown an interest in the past.

He added that the group would need to be visionary and ambitious with clear transport initiatives and not frightened to make decisions. He said that a strategy could then be presented to the public with a clear set of initiatives, a provisional timetable, approximate costs and how it will be funded.

He concluded by saying that the Council could not move forward if every four years a strategy is ripped up and started anew and that the Conservative Group would do everything in its power to produce a resilient long term strategy.

The Chair thanked him for his statement.

Councillor Roger Symonds commented that he agreed with the views of Councillor Warren and welcomed his offer for parties to work together.

7 MINUTES - 4TH MARCH 2014

The Panel confirmed the minutes of the previous meeting as a true record and they were duly signed by the Chair.

8 CABINET MEMBER UPDATE

Councillor David Dixon, Cabinet Member for Neighbourhoods addressed the Panel. He wished the Nurseries team of Royal Victoria Park good luck at the Chelsea Flower Show where they would be exhibiting their 'The Herbs' display.

He said that as part of the BID City Centre cleansing contract more gull proof sacks would be used across the City. He added that the solar compact bins were working very well still and would soon have signs on them regarding gulls.

He commented that he was aware of at least one interested party that may want to take up the offer of a Trade Food Waste collection service.

He said that the new toilet facilities in Monmouth Street were due to open later in the week.

He stated that following a decision at Cabinet £1m of funding had been agreed to enhance open spaces, including facilities to improve and add further skate parks.

The Chair asked for the Panel to be updated with work regarding Urban Gulls at its July meeting.

Councillor Liz Richardson commented that following a recent Cabinet meeting she had noticed two bin bags in the street and was concerned that they might be left out for too long. She asked who she should have reported this to.

Councillor Dixon advised her to contact Council Connect if she noticed something similar in the future and to take a photo if possible. He added that it would depend on the nature of the waste as to who would then need to be contacted. If it was deemed to be trade waste then the business would be contacted to see who their collector was. If it was residential then this may need to be monitored to ensure it is not put out too early. He added that he was keen to talk to residents further about waste / gulls and possibly have local champions.

Councillor Caroline Roberts, Cabinet Member for Transport addressed the Panel. She said following the agreed Cabinet report on Supported Bus Services members of the public were reminded to use services if they were to have them retained in the future.

She stated that the Bath Transport Strategy document had been formally launched and was expecting the LDF Steering Group to discuss it in due course.

She announced that the Kelston Road now had a temporary footpath / cycleway in place and that further news was expected to be announced in June.

She said that the planned works for Rossiter Road and Widcombe Parade were due commence in June.

She commented that a new bike hire contract would commence within the next two weeks.

She announced that the Dorchester Street bus gate trial had now concluded.

The Chair asked if she had any suggestions as to how best to communicate to the public the importance of using rural bus routes.

Councillor Roberts replied that the routes could be highlighted in the forthcoming Transport Strategy work.

The Chair asked when a decision on the next steps with regard to Dorchester Street would be taken.

Councillor Roberts replied that she anticipated a decision would be made in September.

The Divisional Director for Environmental Services added that preliminary data on matters such as air quality and other routes affected would be available from July.

The Chair thanked both Cabinet Members for their updates.

9 FIRST BUS PRESENTATION RE: FARES CONSULTATION

Paul Matthews, Managing Director of First, West of England gave a presentation to the Panel regarding the recent consultation on fares and other matters. A copy of it can be found on the Panel's Minute Book, a summary is set out below.

First West of England

- Carrying 50 million passengers per annum
- Operating 100 local bus routes
- Partners with West of England (WEP) Partnership in the Greater Bristol Bus Network (GBBN) project
- Successful bid with WEP for Better Bus Area 2 (BBA2) – devolution of Bus Service Operators Grant (BSOG)
- Excellent relations with all WEP authorities and Wiltshire and Somerset councils

The Bristol Experience

- We received 7,000 responses to the consultation in Bristol which led to substantial changes to fares in the city and the creation of a new Inner and Outer zone for day, weekly and monthly tickets
- The results were introduced in November 2013: they have been well received by all, including politicians
- Now have simple fare structure
- 92% of customers saw a reduction in cost of travel
- 50% off for children
- 30% off for 16-21 year olds (with ID card)

Outcomes in Bristol

- Value for money score (PF survey) shown big improvement
- Media neutral to positive
- 60% of customers now believe our fares are fairer
- Up to 10% passenger growth, revenue the same

The West of England consultation on fares

- Commitment given to conduct further consultation in rest of West of England at time of Bristol launch
- Need to look at how people travel, and what they want from their buses, so we can design the best solution
- Have to balance any changes to fares with the costs we face, and ensure we make a profit

The B&NES context

- More commercial operation of early evening and Sunday services
- Route simplifications
- Some higher frequencies on core corridors (173/178/184/379 MSN/Radstock to Bath)
- Further network review underway to remove loss making services
- Working with B&NES on alternative day coach parking arrangements

The West of England consultation on fares

- Questionnaire - online and hard copy. Available from a number of locations, and on-buses
- 16 roadshows being held to ensure people know, special events for councillors and MPs
- Dedicated website: www.fairerfaresforall.co.uk
- Consultation period 1 February – 16 March, 1900 responses

Summary of results of consultation

- 90% of those buying singles or returns considered the prices to be quite -32% (25%) or very -58% (71%) expensive
- 74% thought children and students should receive discounts
- 21% wanted a 'smart card'
- Desire to retain multi journey ticket

Current Status

- Internal validation of proposed strategy underway
- Expected conclusions to be announced within the next three weeks
- Implementation expected 22 June

Smart cards

- Full online, on bus and Travel centre top ups from July

- Bath and other West of England period products on to smart cards in August/September
- Multi operator cards (Avon Rider family) from August/September
- Mobile ticketing for students expected from new academic year

Councillor Lisa Brett commented on the work of the Bath Expert Improvement Panel that had been setup and how they were working with First. She added that she agreed strongly that 16 – 21 year olds should receive a 30% discount on fares and posed whether the same rate should be offered to people who are unemployed.

She also wished to highlight the real time information app that was now available to use and asked how he thought the Council could help in the promotion of bus services.

Paul Matthews replied that delivery through partnership was key and said that the Council had been very supportive through the consultation process. He added that their support in any proposed changes would be welcomed alongside making progress on the Bath Transport Strategy.

He said that he would report back to colleagues the comment relating to discounts for the unemployed and thanked Councillor Brett for highlighting the app that is available to use.

Councillor Roger Symonds commented that the Bath Expert Improvement Panel had compiled a list of infrastructure requirements and that First had now managed to incorporate the majority of them. He added that the punctuality of services still needed to be addressed and that a review of routes may need to be considered due to the new housing developments across the city.

He stated that that he felt a flat fare structure would be welcomed and that a discount for under 21's would be of real benefit. He also posed whether a re-allocation of road space was needed – Public Transport / Bikes – v – Cars.

Councillor Douglas Nicol stated that he would like to see free bus travel for young people under the age of 16. He also questioned the conduct of some bus drivers who do not stop when potential passengers signal to them that they wish to board.

Paul Matthews replied that he welcomed the work of the Bath Expert Improvement Panel and acknowledged the need to tackle the problem of punctuality. He added that the option of applying a flat fare was under consideration.

On the matter of driver conduct he said that any such problems needed to be reported so that the incident can be investigated. He added that funding for free travel for young people under the age of 16 was not currently available but acknowledged that they are future customers and work needed to be done to encourage their use of the services.

Councillor David Martin asked if any improvements to the network were planned such as investment on vehicles, lower emission buses, making buses more comfortable and on bus information to let passengers know which stop is next.

Paul Matthews replied that First tries hard to make sure it is in tune with new and future developments and would consider any enhancement to the network as long as it was viable. He added that lower emission vehicles were currently being used on the X39 service and that these vehicles were also more comfortable for passengers. He said that zero emission vehicles were under consideration.

Mr David Redgewell, South West Transport Network addressed the Panel. He said that First and B&NES should look at the success of services in Cheltenham, Canterbury and York if they are to grow the market. He stated that a refurbishment programme for vehicles was required. He commented that not enough commuters were currently using the bus and of the public that do use the services very few are middle class. He called for the Council to be leading on this work and for them to consider pump priming the vehicle refurbishment programme. He suggested that a large majority of services should have free wi-fi available and access to the BBC News Channel.

He said that services should be promoted to local, national and international tourists and suggested that a discount be offered to disabled passengers.

Councillor Douglas Nicol commented that the cost of a family of 4 to purchase a return ticket from Saltford to Bath was over £20 and that that was simply too much to expect people to pay. He suggested that the number of services provided was increased to generate further funding from the Government.

Councillor Liz Richardson commented that she would like to see fares as cheap as possible for children and young people. She recalled that historically on some routes it was cheaper to walk part of the route and get a taxi rather than use the bus. She added that communities must be engaged with on the services they require.

Paul Matthews replied that they were looking to maintain the discount applied to young people under the age of 21.

The Chair commented that work on the punctuality of services and a reduction in fare prices would be welcomed. She also said that public engagement and joint working between First and the Council must be maintained. She thanked Paul Matthews for his attendance and presentation on behalf of the Panel.

10 GETTING AROUND BATH TRANSPORT STRATEGY

The Group Manager for Planning Policy & Transport introduced this report to the Panel. He informed them that the draft strategy was launched at the Bath Conference on 30th April and had been endorsed by the Cabinet to go out to consultation at its meeting on 14th May.

He wished to highlight the vision within the draft strategy to the Panel.

Bath will enhance its unique status by adopting measures that promote sustainable transport and reduce the intrusion of vehicles, particularly in the historic core. This will enable more economic activity and growth, while enhancing its special character and environment and improving the quality of life for local people.

He explained that the high proportion of walking shown by mode share surveys (around 30%) indicates that this is a primary means of travel in the city, indicating that there is potential to expand and improve walking opportunities and hence substituting for some car journeys. In 2011, walking accounted for 35.1% of all journeys to work made by people living and working in Bath.

He said that the strategy proposed to continue the progress made in Bath to relocate long stay parking at Park and Ride sites, thus reducing vehicle movements into the constrained city centre. He added that better management of HGVs within the city was required and that further work is needed to identify suitable facilities for coach drop off and pick up and replacement coach parking facilities.

He stated that the Council was interested to hear the views of the public on this matter and hoped a whole range of initiatives would come forward. He said that the consultation would commence in June.

Mr David Redgewell, South West Transport Network addressed the Panel. He stated the need for consultation documents to be available at the bus station for the public to access and asked that the views of passengers be actively sought.

He commented that a West of England Rail Panel would be welcomed, an East of Bath Park & Ride was essential and that coach parking must be addressed.

On the matter of Dorchester Street he said that further work and views needed to be considered if the bus gate were to be reintroduced.

He stated that he felt that public transport was key to the forthcoming Enterprise Zone and that for this strategy work be successful there must be joined up working and cross party agreement.

The Chair commented that it was a shame that the strategy had received some negativity since the launch. She added that she herself had been expecting a more thorough strategy to be presented to the Cabinet.

Councillor Douglas Nicol commented that he would like to see more of a priority within the strategy to be given to walking, cycling and public transport. He added that he would like to see the Park & Ride services running later into the evening, using them as a place to transfer visitors to the city that arrive by coach and for Park & Ride services to be expanded into countryside hubs.

Councillor David Martin asked if a timetable for the consultation was known yet.

The Group Manager for Planning Policy & Transport replied that workshops and exhibitions were planned to take place in June and that a questionnaire would be available on the website around the same time.

Councillor David Martin asked if any consideration had been given to collecting data on Particulate Matter as part of the strategy.

The Group Manager for Planning Policy & Transport replied that he believed at this stage that it was quite difficult to monitor and so had not been factored in.

Councillor Liz Richardson commented that she would also like to see Park & Ride services available a bit further out of the city as it can still be quite congested to areas such as Newbridge. She added that she did not think that Terrace Walk was the best place for coaches to be dropped off and that she would like to see long term parking in the city reduced. She said a restriction on HGV movements would also be welcome.

Councillor Roger Symonds commented that he thought document was quite a visionary one which would then lead to subsidiary strategies being delivered. He said that he agreed with earlier comments that walking and cycling should be encouraged where possible and that other ideas must be progressed whilst waiting for an East of Bath Park & Ride as that was probably still at least 5 years away. He added that work on this strategy should be linked to the Public Realm & Movement Strategy and the management of open spaces.

Councillor Brian Webber commented that problems remained in the city due to the large number of residents that directly need to use a car. He added that he felt the city would become unattractive due to the number of planned new housing developments.

The Chair thanked the Panel for their comments and said that she looked forward to seeing the results of the consultation work.

11 PANEL WORKPLAN

The Chair introduced this item to the Panel. After a brief discussion reports were requested for the July Panel meeting on the following subjects:

- Urban Gulls Update
- 7.5T HGV Weight Restriction, The Street, Stowey
- Air Quality in B&NES

The meeting ended at 3.55 pm

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services

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Planning, Transport and Environment Policy Development & Scrutiny Panel

Tuesday 8th July 2014

Briefing Note - Proposed 7.5 Tonne Weight Limit - The Street, Stowey

Background

In October 2000 the Transportation Sub Committee agreed to implement a 7.5 tonne weight limit in The Street, Stowey. It was recommended for implementation in the 2000/2001 Capital Programme. It is not known why this was never implemented.

A planning application was received in 2010/11 to reuse the quarry which, if successful, would consequently increase the HGV movements by a significant amount. These proposals included a Section 106 sum of £5,000 to implement the 7.5 tonne weight limit. This planning application was however not approved and consequently the funding was not received and the HGV ban was not progressed.

Issues

A further request has now been received and a traffic survey was commissioned at the start of this year to understand the amount of HGV movement in The Street. That survey revealed that approximately 20 HGVs per day use this road. The road is steep in nature and has a narrow pinch point less than 5 metres in width between residential houses.

There is a local agricultural business which is located in The Street and this will continue to require access for associated HGV vehicles and delivery vehicles if a 7.5 tonne weight limit is introduced. Providing that the business is located within the length of the 7.5 tonne weight limit, vehicles are however permitted to access the premises within it. HGV vehicles are not permitted to pass through a 7.5 tonne weight limit without having a requirement or need within it. It is therefore proposed to install a 7.5 tonne weight limit over the length of The Street from the A368 to the junction with Stowey Road at the top of the hill. This will be introduced with the intention of preventing HGVs "rat running" along The Street between the A368 to the A37. Vehicles wishing to access the quarry will still be able to do so via the road at the southern end locally known as Stowey Road from the A37.

Consultation

An informal consultation has been carried out with the police and they have no objection to this proposal although it must be noted that due to the rural nature of the area it is unlikely to receive regular proactive enforcement. A formal statutory consultation process must take place, including a 21 day objection period, when the Traffic Regulation Order (TRO) necessary to implement this measure is advertised.

Finance

A funding source will be required and identified given that there are no funds available from a planning application or from the current 2014/2015 Capital Programme. The cost of advertising the TRO and implement the necessary signing will be £5,000. It is intended to seek the agreement of the Cabinet Member for Transportation to fund this work via an adjustment to the 2014/2015 capital budget, subject to sufficient funds being available.

Recommendation

It is recommended that, once the appropriate funds have been identified, the TRO is progressed and the scheme implemented if no objections are received. If objections are received and sustained these will be reported to the Cabinet Member for determination.

Bath & North East Somerset Council		
MEETING	Planning, Transportation and Environment Policy Development & Scrutiny Panel	
DATE:	8 th July 2014	
TITLE:	Review of Statement of Licensing Policy	
WARD:	All	
AN OPEN PUBLIC ITEM		

1 THE ISSUE

- 1.1 At the meeting on 16th November 2010, Full Council adopted a Statement of Licensing Policy which is required by Section 5 of the Licensing Act 2003 ('the Act'). In accordance with statutory guidance the Policy must be reviewed at least every 5 years. The Council is currently consulting on its revised policy statement and this report presents the proposed revised policy together with a, new accompanying code of best practice. The formal consultation is running between 30th April and 30 July 2014.

2 RECOMMENDATION

- 2.1 The Panel note the report and offer any comments regarding the revised Statement of Licensing Policy and Code of Best Practice which can be fed into the formal consultation.

3 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

- 3.1 There are no financial, property or people implications presented by the adoption of this Policy and Code of Best Practice.
- 3.2 All fees charged in respect of licensing will remain on a cost recovery basis.

4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL

- 4.1 Section 5 of the Act requires a licensing authority to prepare and publish a statement of licensing policy every 5 years. Such a policy must be published before a licensing authority carries out any function in respect of individual applications made under the terms of the Act. During the intervening period, the

policy must be kept under review and a licensing authority may make any revisions to it, as it considers appropriate.

4.2 The current Policy which has been in place since January 2011 now needs to be formally reviewed, adopted and published before January 2016. The current Policy will remain valid until that date or such time earlier when it is formally reviewed.

4.3 Before determining its policy for any 5 year period the licensing authority must consult the persons listed in Section 5(3) of the Act. These are:

- The Chief Officer of Police for the area;
- The Fire and Rescue Authority for the area;
- Persons/bodies representative of local holders of premises licences.
- Persons/bodies representative of local holders of club premises certificates;
- Persons/bodies representative of local holders of personal licences;
- Persons/bodies representative of businesses and residents in the area

4.4 The Government has issued Guidance ("the Guidance"), under s.182 of the Act, which states that the authority must have regard to it when making and publishing its policy.

4.5 All statements of policy should begin by stating the four licensing objectives, which the licensing policy should promote. In determining its policy, a licensing authority must have regard to this Guidance and give appropriate weight to the views of consultees.

4.6 While statements of policy may set out a general approach to making licensing decisions, they must not ignore or be inconsistent with provisions in the 2003 Act. For example, a statement of policy must not undermine the right of any person to apply under the terms of the 2003 Act for a variety of permissions and to have any such application considered on its individual merits.

4.7 Similarly, no statement of policy should override the right of any person to make representations on an application or to seek a review of a licence or certificate where provision has been made for them to do so in the 2003 Act.

4.8 Statements of policies should make clear that:

- Licensing is about regulating licensable activities on licensed premises by qualifying clubs and temporary events within the terms of the 2003 Act; and
- Conditions attached to various authorisations will be focussed on matters which are within the control of individual licence holders and others with relevant authorisations i.e. the premises and its vicinity.

4.9 A statement of policy should also make clear that licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises and, therefore, beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned. Nonetheless, it is a key aspect of such control and licensing law will always be part of a holistic approach to the management of the evening and night-time economy in town and city centre

4.10 A statement of licensing policy should recognise that the Equality Act 2010 places a legal obligation on public authorities to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation; to advance equality of opportunity; and to foster good relations, between persons with different protected characteristics. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

4.11 A copy of the statutory guidance can be found at www.gov.uk/government/publications/section-182-of-the-licensing-act-2003-amended-guidance

5 THE REPORT

5.1 In light of the recommendations from the Alcohol Scrutiny Day held in 2013 and the review of the Alcohol Harm Reduction Strategy in 2014, the Licensing team has chosen to carry a comprehensive review of the Statement of Licensing Policy, consulting widely with stakeholders throughout B&NES. Consultation has included:

- An online consultation questionnaire via the B&NES Council website www.bathnes.gov.uk/licensing-consultation
- A letter/email to all licence holders, Responsible Authorities, Councillors, Parish Council, Town Councils providing a copy of the proposed policy and code of best practice seeking comments
- Presentations to the Night Time Economy Group, the Student Community Partnership, the Alcohol Harm Steering Group, Midsomer Norton Community Alcohol Partnership and the Independent Traders Forum
- A stakeholder workshop on 17 July 2014 for all consultees where the policy and code of best practice can be discussed in more detail

5.2 Whilst the policy statement can be restrictive in terms of what can be included, this revision endeavours to be forward focussed and flexible to take account of developments and changes over the forthcoming 5 years. The main changes are:

- A joint forward by the Cabinet Members for both Neighbourhoods and Wellbeing to emphasise the role the Licensing regime has to play in supporting public health
- An appreciation of the link with the Alcohol Harm Reduction Strategy and recognition of how excessive alcohol consumption can lead to poor health and increased burden on local health services
- The importance of the role of the Licensing Team in helping local businesses to thrive through the provision of pre-application advice which can help to promote a successful cultural diversity and local economy
- For the first time, the creation of a Code of Best Practice to sit alongside the policy statement and assist licence holders in achieving best practice in their promotion of the licensing objectives

5.3 As part of this revision, the opportunity is being taken to review the evidence to support the continuation of cumulative impact area which was introduced by the Council in 2007. Data is being collected from the Council's Research and Intelligence Team and also Avon and Somerset Police and their responses will be considered as part of the responses to the formal consultation. This data is also being discussed at events throughout the consultation to seek comments from other stakeholders.

6 RATIONALE

6.1 The revised Statement of Licensing Policy must be adopted according to the Guidance made under the Act and as part of the consultation views are being sought from a wide range of stakeholders, including this Panel.

7 OTHER OPTIONS CONSIDERED

7.1 None

8 CONSULTATION

8.1 Consultation will be through circulation of this report in addition to the consultation already taking place within this review.

9 RISK MANAGEMENT

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

Contact person	<i>Cathryn Humphries 01225 477645</i>
Background papers	<i>Draft Statement of Licensing Policy</i> <i>Draft Code of Best Practice</i>
Please contact the report author if you need to access this report in an alternative format	

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Foreword/Executive Summary- To be included

DRAFT

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Statement of Licensing Policy

1 Introduction

- 1.1 Bath & North East Somerset Council (the Council), is the Licensing Authority for Bath and North East Somerset under the Licensing Act 2003 (the Act). This means the Council is responsible for granting Premises Licences, Personal Licences, and Club Premises Certificates, in respect of the sale and/or supply of alcohol and the provision of regulated entertainment and late night refreshment. It is also responsible for receiving Temporary Event Notices.
- 1.2 The Licensing Authority aims to facilitate the development of a healthier economy in Bath and North East Somerset that feels both safe and offers diverse cultural activities to enable a broad age range of people to enjoy themselves whilst at the same time improving the quality of life of residents and increasing the attractiveness of the area to visitors.
- 1.3 In partnership with other agencies and interested parties, the Council as the Licensing Authority, seeks to develop the area with a view to increasing the number of establishments, including coffee shops and restaurants, which are open and available to the public in the evening.
- 1.4 It is hoped that realisation of this goal will reduce fear of crime, including alcohol related crime and anti-social behaviour, and consequently encourage greater use of facilities throughout the district and in the evening by people of all ages, all income groups and all social groups.
- 1.5 The significant role the city centre plays in Bath's night time economy, has been recognised by the prestigious Purple Flag Award.

Bath & North East Somerset was the first Council in the South West to be awarded a Purple Flag in January 2010. The award was granted by the Association of Town Centre Management and is the new "gold standard" that recognises safer and more appealing town and city centres at night. The Purple Flag status also provides external recognition for cities that offer a great diversity of entertainment and hospitality to a wide range of age groups. This achievement highlights the effective multi-agency work in place to enhance the night time economy of Bath, and therefore the need to maintain these standards through sustained partnership working in the future. In 2013 the city received the Purple Flag accreditation for the third year running, which was granted in recognition of the outstanding quality and variety of Bath's evening economy.

- 1.6 The Council has worked in partnership to bring to Bath a modern shopping

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destination at Southgate, with classic Georgian-style open streets, and public spaces. Southgate Bath has a wide variety of retail stores, eating and entertainment establishments and residential properties.

- 1.7 The Act requires the Licensing Authority to publish a 'Statement of Licensing Policy' that sets out the principles the Licensing Authority will generally apply to promote the licensing objectives when making decisions on applications made under the Act. This Statement of Licensing Policy has been prepared in accordance with the provisions of the Act and having regard to the Secretary of State's Guidance (the Guidance) issued under s.182 Licensing Act 2003 (the Act).
- 1.8 Licensing is about regulating the use of premises, including qualifying clubs, for licensable activities and temporary events within the terms of the Act.
- 1.9 Any conditions which are attached to the various authorisations will be focused on matters which are within the control of individual licensees and others in possession of relevant authorisations on licensed premises. Accordingly, these matters will centre on the premises being used for licensable activities and the vicinity of those premises.

2 Purpose

- 2.1 The primary purpose of this policy is to assist and inform those involved in the decision making process and those who may be affected by such decisions.
 - 1. This policy will provide the decision makers with parameters under which to make their decisions.
 - 2. This policy will inform applicants of the parameters under which the Licensing Authority will make decisions, and therefore how a licensed premises is likely to be able to operate within Bath and North East Somerset. Each case will however, be determined on an individual basis.
 - 3. This policy will inform residents and businesses of the parameters under which the Licensing Authority will make licence decisions, and therefore how their needs will be addressed.
 - 4. This policy will provide the courts with the basis upon which decisions were reached.
 - 5. On occasion where particular circumstances justify such a decision, the Licensing Authority may decide to depart from its Statement of Licensing Policy when considering an application. The Licensing Authority will on

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such occasion give reasons for this departure.

The Authority is mindful that when hearing an appeal against any decision made by the Authority, the Magistrates' Court will not take into account anything in this policy that is unlawful, disproportionate or beyond the power of the Licensing Act 2003 (*ultra vires*).

6. This policy will be regularly reviewed by the Licensing Authority in accordance with the requirements of the Act (at least every 5 years) or as the Authority deems necessary.
- 2.2 This policy aims to set out the Authority's expectation that all persons involved in the licensing process will act with a view to promoting the licensing objectives and all premises whether licensed permanently or on a temporary basis, will operate responsibly and in full compliance of their authorisation.
- 2.3 The Authority is also keen to encourage and support where appropriate, any voluntary initiatives premises may adopt to help reduce alcohol harm within our communities particularly as irresponsible consumption of alcohol is a key factor in fuelling late night anti-social behavior, crime and disorder. Such initiatives may include the removal of cheap, super-strength beers, ciders and lagers from the sale or, the display of alcohol in a manner that will not unduly encourage people to drink irresponsibly. The Authority acknowledges that whilst the majority of people drink responsibly, the "drink until you're drunk" and "binge drinking" culture adopted by a minority is having a detrimental effect on many vulnerable members of our communities and their families.
- 2.4 It is expected that when promoting low priced alcohol, all premises will be considerate of the effect such promotions are having on our large student population, as well as being mindful of the negative effect promotions aimed at females often have. Premises are reminded that the mandatory conditions relating to irresponsible drinks promotions must be adhered to. Premises are expected to carefully risk assess such promotions to ensure they do not encourage individuals to drink alcohol excessively or rapidly.
- 2.5 The Authority encourages all establishments who sell alcohol to be more vigilant in respect of persons who are purchasing, or maybe attempting to purchase, alcohol on behalf of persons who are already drunk, or who are under age.

3 Licensing Objectives

- 3.1 Section 4 of the Act provides that it is the duty of all Licensing Authorities to carry out their various licensing functions with a view to promoting the four

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licensing objectives laid down in the Act. The licensing objectives are:

- **The prevention of crime and disorder;**
- **Public safety;**
- **The prevention of public nuisance;**
- **The protection of children from harm.**

- 3.2 Each objective is of equal importance.
- 3.3 These four licensing objectives are to be of paramount consideration at all times. There are no other licensing objectives.
- 3.4 In the event the Government introduces any further licensing objectives, the Authority will amend this policy accordingly.
- 3.5 When considering applications/representations the Licensing Authority will have regard to these licensing objectives. Where appropriate the Licensing Authority will make exceptions to its own policies and give reasons for doing so.
- 3.6 Since the Statement of Licensing Policy was last published the Licensing Authority has been added to the list of “Responsible Authorities” enabling it to make representations supported by evidence, in respect of new and variation applications, and to call for the review of an existing premises licence or club premises certificate. In accordance with the Secretary of State’s Guidance, it will not act on behalf of those who are capable of making representations or calling for a review in their own right. Therefore, inferences should not be drawn on such occasion when the Licensing Authority remains silent in respect of new, variation or review applications.
- 3.7 The Licensing Authority will ensure there is a clear distinction between those officers submitting a representation or review application, and the officers responsible for the administration of the application or review process.
- 3.8 The Director of Public Health has been added to the list of Responsible Authorities and may now make representations in respect of applications, and call for the review of a premises licence or club premises certificate. Representations will be relevant if they illustrate how the applicant’s proposals at the specific premises will undermine at least **one** of the licensing objectives.
- 3.9 The Licensing Authority recognises that excessive alcohol consumption leads to poor health which, in turn, places burdens on local health services. The negative effects relating to alcohol misuse will be more widely addressed within Bath & North East Somerset’s Alcohol Harm Reduction Strategy.

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4 Licensable Activities

4.1 The term “Licensable Activities” is defined by the Act. Licensable Activities are:

1. the sale by retail of alcohol;
2. the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club;
3. the provision of regulated entertainment; and
4. the provision of late night refreshment (i.e. the provision of hot food and/or hot drink between 23:00 hours and 05:00 hours).

4 Types of Authorisations

5.1 This policy will be taken into account by the Licensing Authority when carrying out its licensing functions under the Act in relation to any:

- Premises Licence
- Club Premises Certificate
- Personal Licence
- Temporary Event Notice (TEN)

6 General Principles

6.1 Decisions

Many minor or routine matters may be determined by the Licensing Officer; other decisions will be referred to the Licensing Committee for determination. These decisions are made in accordance with the table of delegated functions found at page 36 of this Policy.

6.2 The Licensing Committee is not a court of law and may seem informal in comparison with such proceedings. For example, the rules of evidence do not normally apply and evidence is not taken on oath. Nevertheless, in determining licensing matters the Committee will follow judicial principles to ensure a fair and orderly hearing is given to each application/representation.

6.3 Each case will be considered **on its own merits** and nothing in this Policy shall undermine this principle.

6.4 The review of a Premises Licence or a Club Premises Certificate can be requested by a Responsible Authority and any other person subject to

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conditions as indicated in paragraph 42 (Reviews).

- 6.5 Applicants for Premises Licences and Club Premises Certificates will be expected to set out how they intend to promote the Licensing objectives and what measures they intend to employ to ensure compliance with them.
- 6.6 In order to avoid duplication with other statutory regimes the Licensing Authority will seek to use the most appropriate method of dealing with a particular issue. Subject to the provisions of paragraph 20 (Conditions) the only conditions which should be imposed on a Premises Licence or Club Premises Certificate are those which are necessary, proportionate and reasonable for the promotion of the licensing objectives.
- 6.7 Accordingly if other controls are available because the law already places certain statutory responsibilities on an employer or operator of premises (such as in relation to Health and Safety) it cannot be necessary to impose the same or similar duties on the premises licence holder or club. For example, conditions relating to noise nuisance would not normally be necessary where the provisions of byelaws or of other legislation such as the Environmental Protection Act 1990 protect those living in the vicinity of the premises in question. Where adequate protection is not available conditions subject to the provisions of paragraph 20 may be considered appropriate.
- 6.8 Applicants may suggest, and are encouraged to suggest, appropriate conditions in their operating schedules.
- 6.9 Where the Act provides for mandatory conditions to be included in a Premises Licence the Licensing Authority has a duty to include those conditions on the licence.
- 6.10 Subject to paragraph 40 (Relevant Representations) anyone wishing to make representations in respect of an application will be required to relate their objection to one or more of the licensing objectives before the Licensing Authority will be able to consider it.
- 6.11 There is a statutory presumption that an application will be granted unless relevant representations are received.

7 Consultees

- 7.1 Before determining this policy the Licensing Authority has consulted with various stakeholders including, but not limited to:
1. All Responsible Authorities;

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2. Representatives of local holders of Premises Licences and Club Premises Certificates;
3. Representatives of businesses and residents of the area;
4. All Ward Councillors and Town and Parish Councils.

Legislation, Policies and Strategies

8 Legislation

- 8.1 In undertaking its licensing function under the Act, the Licensing Authority is also bound by other legislation, including:
1. Section 17 of the Crime and Disorder Act 1988;
 2. Human Rights Act 1998, with particular regard being given to Article 6, Article 8 and Article 1 of the first Protocol;
 3. Equalities Act 2010.
- 8.2 The impact of this policy will be monitored through the Council's equality policies.

9 Relationship with Planning Policies

- 9.1 The Licensing Authority recognises that Licensing and Planning are separate regimes. Where an application is granted by the Licensing Authority which would require planning permission this would not relieve the applicant of the need to obtain that permission. It will still be necessary, for the applicant to ensure that he/she has all the necessary permissions in place to enable them to run the business within the law.
- 9.2 There will, however, be a clear separation of the Planning and Licensing regimes to avoid duplication and inefficiency. Therefore, any decision made under the Licensing Act will not take into consideration the need for planning permission.
- 9.3 The Licensing Authority recognises that licensing applications should not be seen as a re-run of the planning application process as different considerations will apply.
- 9.4 In addition, if an application is granted by the Licensing Authority which involves a material alteration to a building, this would not relieve the applicant of the need to apply for planning permission.

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10 Relationship with Building Control

- 10.1 The Licensing Authority recognises Licensing and Building Control are separate regimes. Where an application is granted by the Licensing Authority which involves a material alteration to a building, this would not relieve the applicant of the need to obtain building control approval.

11 Provisional Statements (and the relationship with planning policies and building control).

- 11.1 Further guidance is given below and in paragraph 25 regarding Provisional Statements generally.
- 11.2 In relation to planning and building control it should be noted that any decision of the Licensing Authority on an application for a provisional statement would not relieve an applicant of the need to obtain any necessary planning permission, listed building consent or building control approval before any development takes place.

12 National Strategies

- 12.1 The Licensing Authority will have regard to Government strategies, so far as they impact on the licensing objectives. These will include, but are not limited to:
1. Action Plan for Tackling Alcohol Related Crime, Disorder and Nuisance;
 2. Professional Guidance as to best practice on test purchasing;
 3. Alcohol Harm Reduction Strategy;
 4. Safer Nightlife Guidance.

13 Local Strategies and Policies

- 13.1 Where appropriate, the Licensing Authority will take into account local strategies and policies. These will include, but are not limited to:
1. Sustainable Community Strategy;
 2. Community Safety Plan in alignment with the Police Crime Commissioner;
 3. B&NES Alcohol Harm Reduction Strategy;
 4. Bath's Cumulative Impact Policy;
 5. Community Alcohol Partnership.

14 Integrating Strategies

- 14.1 The Licensing Authority will (where appropriate) integrate national and local strategies and encourage vibrant, sustainable communities in line with Bath &

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North East Somerset's Vision and Priorities.

15 Regulated Entertainment

- 15.1 In its role of implementing Council cultural strategies, the Licensing Authority recognises the need to encourage regulated entertainment such as live music, dance and theatre for the wider cultural benefit of the community.
- 15.2 When considering applications for such activities, and the imposition of conditions on licences, certificates or notices, the Licensing Authority will do what is appropriate and proportionate in the promotion of the licensing objectives.
- 15.3 The Licensing Authority will ensure that only appropriate, proportionate and reasonable licensing conditions are attached to such authorisations.
- 15.4 As a matter of general policy the Council intends to continue to seek Premises Licences from the Licensing Authority for public spaces within the local community, in their own name. This may include village greens, markets, promenades, community halls, parks, Council owned art centres and similar public spaces. In this instance performers and entertainers would require the permission of the Council as the Premises Licence holder rather than a premises licence.
- 15.5 Performances of live music have been further encouraged following the implementation of the Live Music Act in 2012. Amplified live music performed on premises licensed for the sale of alcohol by a premises licence or club premises certificate, or performed at any unlicensed "workplace", is no longer regarded as being "regulated" under the Act, **when** the performance takes place:
- between 08:00 and 23:00 hours; and
 - before an audience of no more than 200 people.
- 15.6 The performance of unamplified live music has also been deregulated within these given time limits, although there is no restriction in respect of the size of the audience.
- 15.7 When live music is performed at any licensed premises in accordance with the above criteria, any conditions relating to 'live' music as detailed on the premises licence or club premises certificate, will be suspended. However, should the music have a detrimental effect on the licensing objectives, the Licensing Authority may lift the suspension following the review of the premises licence or club premises certificate and the performance of live music will be treated as though it is a regulated activity, allowing for any existing conditions to be

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re-instated or new conditions to be added.

- 15.8 The provision of background music, whether live or recorded, will not be regarded as being regulated when it is of a level that does not predominate over other activities.
- 15.9 When entertainment is ancillary to a main event, which in itself is not a licensable activity, the entertainment will not be regulated by the Act. An example would be live or recorded musical accompaniment at a fashion show.

16 Cumulative Impact Policy

- 16.1 The concept of Cumulative Impact, although not specifically mentioned in the Act, is found in the Guidance to the Act. It concerns the potential impact a significant number of licensed premises concentrated in one area, may have on the promotion of the licensing objectives. The Guidance acknowledges that this is “a proper matter for a licensing authority to consider in developing its statement of licensing policy”.
- 16.2 Where the number, type and density of premises selling alcohol for consumption on the premises are unusual, serious problems of nuisance and disorder can arise in the vicinity of those premises. The problem can be compounded where a number of licensed premises, grouped together, are situated near residential areas. The distribution of late night premises may be such as to warrant special action by the Licensing Authority to combat exceptional problems of crime and disorder and public nuisance over and above the impact of individual premises.

Steps Taken in Considering a Cumulative Impact Policy

- 16.3 The steps that this Licensing Authority has taken in considering whether to adopt a cumulative impact policy within the statement of licensing policy are summarised below:
1. Identification of the concern about public nuisance and crime and disorder.
 2. Consideration as to whether there is good evidence that public nuisance and crime and disorder is occurring, and is caused by the customers of licensed premises, or that the risk of cumulative impact is imminent.
 3. Identification of the boundaries of the area where problems are occurring.
 4. Consultation with those specified in section 5(3) of the 2003 Act and,

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subject to the outcome of the consultation,

5. Inclusion and publication of the details of a cumulative impact policy to be included in the Statement of Licensing Policy.

Evidence of Cumulative Impact

- 16.4 Originally the Bath and North East Somerset Community Safety and Drugs Partnership (CSDP) collated information which demonstrated that, in Bath City Centre, “a defined temporal and geographic area experiences a significantly greater degree of alcohol related crime and disorder than the remainder of the authority area” and that Bath City Centre can be defined as experiencing a significant amount of alcohol related crime.
- 16.5 At the meeting on 18 January 2007 the Council considered the report from the CSDP. After considering the available evidence the Council resolved to consult on the proposed area outlined in Appendix 1 of the CSDP’s report. Having consulted with those individuals and organisations listed in section 5(3) of the 2003 Act, the Council resolved, on 13 September 2007, that the evidence contained within the report was sufficient to justify the preparation of a cumulative impact policy for inclusion in the Council’s Statement of Licensing Policy. At a meeting on 20 April 2009 the Licensing Committee considered a report on the review of the cumulative impact policy and resolved to continue with the policy. A copy of the reports, together with the Minutes of the meetings, can be seen at any of the Council’s libraries, or on the Council’s web site at www.bathnes.gov.uk.
- 16.6 Prior to publishing this revised Statement of Licensing Policy, the Council’s Strategy and Performance team re-assessed the evidence in support of the existing Cumulative Impact Policy and found it sufficient to justify including this special policy within the Council’s Statement of Licensing Policy. The Licensing Authority will continue to monitor the impact of this cumulative impact policy to assess whether it is still required, or needs to be modified or expanded.
- 16.7 The area identified for the cumulative impact policy is outlined on the map on Page 38 of this document (the Cumulative Impact Policy Area).

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The Effect of a Cumulative Impact Policy

- 16.8 The adoption of a cumulative impact policy creates a rebuttable presumption that applications for new premises licences, club premises certificates or variations relating to “on trade” premises situated within the Cumulative Impact Area, will be refused if relevant representations are received. In order to rebut this presumption, applicants must demonstrate that the operation of the premises will not add to the cumulative impact already being experienced.
- 16.9 The Licensing Authority will expect the applicant to address the issues surrounding cumulative impact within their operating schedule. See paragraph 16.17 below for suggested conditions.
- 16.10 This presumption does not relieve Responsible Authorities or any other persons of the need to make a relevant representation. The Licensing Authority may not lawfully consider giving effect to its cumulative impact policy in the absence of relevant representations.
- 16.11 After receiving representations in relation to a new application or a variation of a licence or certificate, the licensing authority will consider whether it would be justified in granting a licence or variation in the light of the individual circumstances of the case. The impact can be expected to be different for premises with different styles and characteristics.
- 16.12 The Licensing Authority will consider the individual merits of any application, together with the relevant representations made. Where it considers the application promotes the licensing objectives and would be unlikely to add significantly to the cumulative impact, the Licensing Authority will grant the application.
- 16.13 If the Licensing Authority decides that an application should be refused, it will still need to show that the grant of the application would undermine the promotion of at least one of the licensing objectives, and that the imposition of conditions would be ineffective in preventing the problems involved.
- 16.14 If there are no representations, the Licensing Authority must grant the application as applied for, in terms consistent with the operating schedule.
- 16.15 Where an application for a review is received by the Licensing Authority, the cumulative impact policy will not be used as a ground for revoking an existing licence or certificate. A review must relate to individual premises and by its nature, cumulative impact is related to the concentration of many licensed premises in one area.

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Suggested additions to operating schedules

- 16.17 If an application for a licence is made for a premises within the defined area of the cumulative impact policy the Licensing Authority will expect the applicant to demonstrate, in their operating schedule, the steps that they will take to prevent problems relating to nuisance and public safety and the steps to be taken to promote the reduction of crime and disorder.
- 16.18 The measures the Licensing Authority would wish to be included on a premises licence application within the cumulative impact area **will depend on the nature and type of the premises**. The measures would need to be individual to that premises. Examples are:
1. CCTV at the premises to be properly maintained.
 2. Security Industry Authority (SIA) door staff.
 3. Toughened or plastic glass, no bottles.
 4. Free calls to taxi firms for departing customers at the end of the night.
 5. Outside areas to be cleared at a reasonable time (time to be stated).
 6. Signs to be displayed at each exit to encourage patrons to minimise noise and not to congregate in the street at close.
 7. To be a member of the local Pubwatch/Nightwatch (or any other similar scheme).
 8. No open containers of alcohol to leave the premises.
 9. To supervise entry and exit of the customers from the premises at busy times.
 10. Facilities for people to dispose of cigarette ends and provisions for reducing noise from people smoking outside the premises.
 11. A limit on the number of customers permitted on the premises at one time.
 12. A requirement that the public spaces in the premises should be predominately seated.

This list is not exhaustive, and is only intended to provide a brief description and guide to applicants.

- 16.19 The Bath Nightwatch scheme is the result of the Bath Business Improvement District (BID) team, Bath & North East Somerset Council, Bath Pubwatch group and the Police, working together as one co-ordinated stakeholder to promote the four licensing objectives and improve issues of alcohol-associated anti-social behaviour in and around the city centre.
- 16.20 The Licensing Authority will expect all licensed premises within the Cumulative Impact Area to take a socially responsible approach to selling alcohol and to managing their premises effectively by participating in schemes like 'Bath Nightwatch' or similar.

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16.21 The Licensing Authority also encourages all premises outside the Cumulative Impact Area, to take a similar approach to improve the issue of alcohol-associated anti-social behaviour outside the city centre at night.

17 Control of anti-social behaviour, crime and disorder away from licensed premises.

17.1 Licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises and beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned. Nonetheless it is a key aspect of such control and will always be part of a holistic approach to the management of the evening and night-time economy in town and city centres.

17.2 The licensing authority will encourage the use of other mechanisms for controlling problems caused by customers behaving badly and unlawfully once away from licensed premises. For example:

1. Planning controls.
2. Positive measures to create a safe and clean town centre environment in partnership with local businesses, transport operators and other departments of the Council.
3. The provision of CCTV surveillance in town centres, ample taxi ranks, provision of public conveniences open late at night, street cleaning and litter patrols.
4. Police enforcement of the general law concerning disorder and anti-social behaviour, including the issuing of fixed penalty notices for relevant offences.
5. The prosecution of any personal licence holder or member of staff at such premises who is selling alcohol to people who are drunk.
6. The confiscation of alcohol from adults and children in designated areas.
7. Police powers to close down instantly, for up to 24 hours, any licensed premises or temporary event on grounds of disorder, the likelihood of disorder or noise emanating from the premises causing a nuisance.
8. The power of the police, other responsible authorities or any other person to seek a review of the licence or certificate in question.

17.3 The Licensing Authority will endeavour to work in partnership with others to promote common objectives.

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Administration of Licensing Functions

18 Applications

- 18.1 Incomplete applications will not be accepted. Applications will only be considered where the relevant documentation and the fee accompany them.
- 18.2 The operating schedule will form part of the completed application form for a Premises Licence and Club Premises Certificate. It should include information which is necessary to enable any Responsible Authority or other person to assess whether the steps to be taken to promote the licensing objectives are satisfactory.
- 18.3 In preparing an operating schedule, the Secretary of State recommends that applicants should be aware of the expectations of the Licensing Authority and the Responsible Authorities about the steps that are necessary for the promotion of the licensing objectives.
- 18.4 Liaising with interested parties prior to submitting applications is good practice. The Licensing Authority recommends applicants discuss any new proposals with neighbours or any relevant community group such as a local residents' association, or where the application is in Bath city centre, Pubwatch or other such groups as may be appropriate.
- 18.5 The Licensing Authority actively encourages applicants to liaise with relevant Responsible Authorities such as the Police or Fire Service prior to submitting an application. This will allow the applicant to address any concerns raised within the operating schedule.

19 Licensing Hours

- 19.1 With regard to licensing hours the Licensing Authority will consider each case on its individual merits.
- 19.2 The Licensing Authority recognises that fixed closing times in certain areas can lead to peaks of disorder and disturbance on the streets when large numbers of people tend to leave licensed premises at the same time. Longer licensing hours regarding the sale of alcohol may therefore be considered as an important factor in reducing friction at late night food outlets, taxi ranks and other sources of transport in areas where there have already been incidents of disorder and disturbance.
- 19.3 The Licensing Authority will give due regard to the Guidance in relation to

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terminal hours and would not wish to inhibit the development of safe evening and night-time local economies.

- 19.4 It is not intended that the Licensing Authority's overall approach to licensing hours will include any form of zoning. Experience in other areas shows that this can lead to the significant movement of people across boundaries in search of premises opening later, and puts greater pressure on communities than is necessary.
- 19.5 However, if presented with evidence of **serious alcohol related crime, disorder or anti-social behaviour** within a specific area, which cannot be attributed to one specific premises, the Licensing Authority may consider making an Early Morning Restriction Order (EMRO) to further the licensing objectives.
- 19.6 Shops, stores and supermarkets should generally be permitted to sell alcohol for consumption off the premises during the normal hours they intend to open for shopping purposes. However, where relevant representations are substantiated in respect of individual shops, a limitation on licensing hours may be appropriate.

20 Conditions

- 20.1 The Licensing Authority **may not** impose conditions on, or refuse to grant/vary a Premises Licence or Club Premises Certificate **unless** it has received a relevant representation in respect of the application.
- 20.2 If no relevant representations are received, the application **must** be granted on the terms sought, i.e. consistent with the operating schedule submitted, and subject to the mandatory conditions specific to the type of authorisation applied for. No additional conditions may be imposed.
- 20.3 Conditions may only be imposed on licences and certificates where they are appropriate for the promotion of one or more of the four licensing objectives. Conditions may not be imposed on licences and certificates for any other purpose.
- 20.4 One of the key concepts of the Act is for conditions to be tailored to the individual style and characteristics of the premises. The Licensing Authority acknowledges this concept of "bespoke" licensing and will only impose conditions that are both proportionate and appropriate to the business, organisation, or individual premises concerned. There will be no standard conditions.

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21 Enforcement

- 21.1 Enforcement will be in accordance with the Public Protection and Health Improvement Service Enforcement Policy, which is based around the principles of consistency, transparency and proportionality, as set out in the Government's Enforcement Concordat.
- 21.2 The Enforcement Policy (available on request) proposes that a graduated response is taken where offences against legislation are found, or where licence conditions have been contravened. An isolated administrative offence such as failing to maintain records may be dealt with purely by way of a written warning. More serious offences which have either been committed over a period of time, or which jeopardise public safety, may result in the issue of a Formal Caution, or a referral for prosecution.
- 21.3 The Licensing Authority will seek to work actively with the Police in enforcing licensing legislation. The Licensing Authority expects the Police to share information about licence holders and licensed premises, under the Crime and Disorder Act 1998 and its common law powers, and to consult closely with the Licensing Authority when any enforcement action may be required.
- 21.4 The Licensing Authority will employ officers to investigate allegations of unlicensed activities and to ensure all conditions are fully complied with.

22 Drugs

- 22.1 The Licensing Authority recognises that as more licensed premises host the types of events at which people are likely to take drugs, it is imperative to ensure the safety of all those attending such events.
- 22.2 Where appropriate, the Licensing Authority recommends applicants should have regard to "Safer Nightlife", an updated version of the "Safer Clubbing" guide published by the Home Office in 2002. It provides clear, comprehensive advice on key issues such as preventing drugs being brought on to licensed premises, minimising the risk associated with drug taking and how to structure a drugs policy.
- 22.3 Where appropriate, applicants for Premises Licences or Club Premises Certificates should be able to demonstrate that they have had regard to the "Safer Nightlife" Guide in preparing operating schedules. Although the implementation of a drugs policy is not a legal requirement, it demonstrates a commitment to safeguarding the welfare of both customers and staff.

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23 Operating Schedules

- 23.1 Applicants for Premises Licences, Provisional Statements and Club Premises Certificates should be aware of the guidance issued by the Licensing Authority in relation to Operating Schedules when submitting their applications.
- 23.2 The Licensing Authority considers the effective and responsible management of the premises, including instruction, training, and supervision of staff and the adoption of **best practice** to be amongst the most essential control measures for the achievement of all the licensing objectives. For this reason, the Licensing Authority **recommends** that these elements should be specifically considered and addressed within an applicant's Operating Schedule.
- 23.3 The selection of control measures should be based upon a risk assessment of the premises, plus the events, activities and customers expected to attend (e.g. their age, number etc.). Whilst the Licensing Authority cannot require such risk assessments to be documented (other than where required by other legislation), it considers such documentation to be good practice and a useful tool in the management of the premises.
- 23.4 The Operating Schedule should be prepared by, or on behalf of, the applicant, in relation to the premises for which a licence is being sought, taking into account the individual style and characteristics of the premises/events.
- 23.5 The Operating Schedule should include the following:
- a. Details of the relevant licensable activities to be conducted on the premises;
 - b. The times during which it is proposed that the relevant licensable activities are to take place (including any specific non-standard timings or seasonal variations);
 - c. Any other times when the premises are to be open to the public;
 - d. Where the licence is required only for a limited period, that period;
 - e. Where the licensable activities include the supply of alcohol, whether the alcohol will be supplied for consumption on or off the premises, or both;
 - f. The steps which the applicant proposes to take to promote the licensing objectives such as the provision of street marshals etc.;
 - g. Any other prescribed matters.

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- 23.6 The Guidance produced by the Secretary of State under Section 182 of the Act recommends that applicants should be aware of the expectations of the Licensing Authority regarding the steps that are necessary for the promotion of the licensing objectives. Any measures proposed by the applicant should be both realistic and within the control of the applicant/management of the premises.

24 Premises Licences

- 24.1 A Premises Licence will be required for the use of any premises, part of premises, or place for the following licensable activities:

- a. the sale of alcohol;
- b. the provision of regulated entertainment;
- c. the provision of late night refreshment.

- 24.2 When making an application to the Licensing Authority, the applicant must also send copies of the application to all the Responsible Authorities, namely:

- a. Chief Officer of the Police
- b. Fire & Rescue Service
- c. Trading Standards
- d. Local Safeguarding Children's Board
- e. Environmental Health Department
- f. Local Planning Authority
- g. Director of Public Health

and where relevant:

- h. Health and Safety Executive (e.g. for educational establishments)
- i. Maritime Agency (e.g. for boats)

The Licensing Authority is a Responsible Authority in its own right, but there is no requirement for applicants to submit anything more than the original application to the Authority.

- 24.3 In the case of electronic applications, the requirement to send copies to the relevant Responsible Authorities will pass from the applicant to the Licensing Authority.

25 Provisional Statements

- 25.1 Where premises are being, or are to be, constructed for the purpose of being

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used for one or more licensable activities, or are being, or about to be, extended, or otherwise altered for that purpose, a person may apply for a Provisional Statement if they have an interest in the premises, and, if they are an individual, that they are aged 18 years or older.

- 25.2 An application for a Provisional Statement must be accompanied by a schedule of works that includes details of the licensable activities for which the premises will be used, a plan of the premises; and such other information as may be prescribed.
- 25.3 Applications for Provisional Statements will be dealt with in a similar manner as applications for a Premises Licence. See also paragraph 23 relating to Operating Schedules.
- 25.4 Where relevant representations are made in relation to an application for a Provisional Statement the Licensing Authority must decide whether, if the premises were constructed or altered in the way proposed in the schedule of works and if a Premises Licence was sought for those premises, it would consider it necessary for the promotion of the licensing objectives to attach conditions (subject to the provisions of paragraph 20), rule out any of the licensable activities applied for, or to reject the application.

26 Club Premises Certificates

- 26.1 Club Premises Certificates will be issued to qualifying Clubs as defined in the Act, which carry out the following recognised activities:
- a. the supply of alcohol by, or on behalf, of the Club to, or to the order of, a member of the Club;
 - b. the sale by retail of alcohol by, or on behalf of, a Club to a guest, or a member of the Club, for consumption on the premises where the sale takes place; and
 - c. the provision of regulated entertainment, where that provision is by, or on behalf of, a Club for members of the Club, or for members of the Club and their guests.
- 26.2 Besides making an application to the Licensing Authority, the applicant must also send copies of the application to all the responsible authorities, namely:
- a. Chief Officer of the Police
 - b. Fire & Rescue Service
 - c. Trading Standards

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- d. Local Safeguarding Children's Board
- e. Environmental Health Department
- f. Local Planning Authority
- g. Director of Public Health

and where relevant:

- h. Health and Safety Executive (e.g. for educational establishments)
- i. Maritime Agency (e.g. for boats)

The Licensing Authority is a Responsible Authority in its own right, but there is no requirement for applicants to submit anything more than the original application to the Authority.

26.3 In the case of electronic applications the requirement to send copies to the responsible authorities will pass to the Licensing Authority.

26.4 A Club Operating Schedule should also be submitted with the application, together with a copy of the club rules. See also paragraph 23 above relating to Operating Schedules.

27 Variation of Premises Licence or Club Premises Certificate

27.1 Applications to vary a Premises Licence or Club Premises Certificate will be dealt with in a similar manner to applications for a new Premises Licence or Club Premises Certificate. When the Licensing Authority receives an application for a variation of these authorisations, it must determine whether the application has been properly made. Among other things the Licensing Authority will consider whether the application has been properly advertised.

27.2 Where an application has been lawfully made and provided that no relevant representation has been made by any responsible authority or other person then no hearing will be required and the application will be granted in the terms sought, subject only to conditions which are consistent with the Operating Schedule and any mandatory conditions required.

27.3 The Licensing Authority must consider whether any representations received are relevant. A "relevant" representation must focus only on the "change" proposed in the variation application and how this change is likely to have a detrimental effect on at least one of the licensing objectives. If relevant representations are made and not withdrawn, the Licensing Authority will hold a hearing, and at that hearing the Licensing Authority may:

- a. modify the conditions of the Licence; or

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- b. reject the whole, or part of the application; or
- c. grant the application as applied for

27.4 If the Licensing Authority considers that the representations are not relevant then a hearing will not be required and the application will be granted in the form it was applied for. The aggrieved party may challenge the Licensing Authority's decision by way of judicial review.

27.5 The exception to the above procedure concerns applications for minor variations, whereby the proposed variation generally amounts to:

- a. a minor change to the structure or layout of a premises;
- b. small adjustments to licensing hours;
- c. the removal of out of date, irrelevant or unenforceable conditions or the addition of volunteered conditions;
- d. the addition of certain licensable activities which will not impact adversely on the licensing objectives, are subject to a simplified 'minor variations' process. Parties may still make representations and the Licensing Authority is entitled to seek the views of any of the responsible authorities when determining such applications. There is no right to a hearing as officers have delegated powers to determine applications under this process.

28 Personal Licences

28.1 General Requirements - Personal Licences will be granted if the applicant can demonstrate each of the following:

- a. they are 18 years of age or over;
- b. they possess an appropriate licensing qualification, or are a person of a prescribed description; i.e. a person of a description prescribed by Secretary of State by regulations;
- c. no Personal Licence held by the applicant has been forfeited in the period of five years ending with the day the application was made;
- d. the applicant has not been convicted of any relevant offence, or any relevant foreign offence.

28.2 **The Authority will reject any application where points a, b or c above are**

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not met.

- 28.3 Applicants with unspent criminal convictions for relevant offences set out in Regulations made under the Act are encouraged to first discuss their intended application with the Council's Licensing Officers and/or Police Licensing Officers before making an application. Guidance in relation to unspent criminal convictions can be found in the Licensing Authority's Guidance Notes for Applicants.

29 Designated Premises Supervisors

- 29.1 The sale of alcohol carries with it greater responsibility than that associated with the provision of entertainment and late night refreshment as it has a wider impact on the community. Therefore the main purpose of having a Designated Premises Supervisor (DPS) nominated on the premises licence is to ensure there is a specified individual who can be readily identified at the premises. The DPS therefore will occupy a pivotal role in terms of management and supervision of the premises, and may be given day to day responsibility for running the premises. All sales of alcohol made under the authorisation of a premises licence, must be authorised by the person nominated as the DPS on the premises licence.
- 29.2 The DPS may nominate other personnel in his/her place as having authority to make sales of alcohol provided that authority is in writing thereby giving a meaningful and proper authorisation.
- 29.3 A joint interview between the Licensing Authority, Police and applicant may be arranged where the Police are minded to object to the variation of a DPS on the grounds that such a variation may undermine the Prevention of Crime and Disorder objective.
- 29.4 The exception to the above is to allow certain community premises which have, or are applying for a premises licence, that authorise the sale of alcohol, to apply the alternative licence condition instead of the usual mandatory conditions. The effect of the alternative licence condition is that the licence holder, i.e. the management committee which runs the community premises, is responsible for the supervision and authorisation of all alcohol sales.

30 Temporary Event Notices

- 30.1 Temporary Event Notices do not involve the Licensing Authority in giving permission for the event to take place. This is a notification procedure in which only the Police and Environmental Protection may intervene to prevent such an event, or to modify the arrangements for such an event. The Licensing Authority

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will only intervene if the limits on the number of notices given are exceeded.

- 30.2 A “Standard” TEN requires an organiser of a temporary event to give the Licensing Authority a minimum of 10 clear working days’ notice.
- 30.3 A “Late” TEN is a TEN received by the Licensing Authority 5–9 clear working days prior to the day of the event.
- 30.4 “Clear working days” means working days exclusive of the day on which the event is to start, and exclusive of the day on which the notice is given. A “working day” is defined as any day other than a Saturday, Sunday, Christmas Day, Good Friday, or a day which constitutes a Bank Holiday under the Banking and Financial Dealings Act 1971 in England and Wales.
- 30.5 If an objection is received to a “Late” TEN then the Licensing Authority must issue a counter notice at least 24 hours prior to the event. The premises user has no right to a hearing in relation to a contentious “Late” TEN and as such any licensable activities proposed at the event, will be unauthorised, and it will be an offence to carry on any such activities. Likewise, any notice received within less than 5 clear working days’ notice will be invalid.
- 30.6 It is therefore obvious that by submitting a “Late” TEN the organiser runs the risk of receiving a counter notice and not being able to hold the event. Although legally the Licensing Authority must receive “Late” TENS, it recommends a minimum notice period of one calendar month before the date of the event taking place.

31 Transfer of Premises Licences

- 31.1 In the vast majority of cases it is expected that a transfer will be a very simple administrative process. This is to ensure that there should be no interruption to normal business at the premises.
- 31.2 Notice of the application must be given to the Police. If the Police raise no objection about the application the Licensing Authority will transfer the licence in accordance with the application, amend the licence and return it to the new holder.
- 31.3 In exceptional circumstances the Police may consider that the granting of the application would undermine the crime prevention objective. In these circumstances the Licensing Authority must hold a hearing and consider the objection, they will not be able to consider any other matters. The Committee will give reasons for the decision made.

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32 Interim Authority Notices

- 32.1 Generally a licence will remain in force for as long as the licence holder continues to operate the business, unless it is revoked, or it is specified that it has effect for a limited period and that period expires. However, if the holder of a Premises Licence dies, becomes mentally incapable or becomes insolvent, then the licence will lapse.
- 32.2 The licence may be reinstated for a three month period if within 28 days of such circumstances, a person who had an interest in the premises concerned, or is connected to the person who held the Premises Licence immediately before it lapsed, gives the Licensing Authority an Interim Authority Notice.
- 32.3 At the end of the three months it will lapse unless an application for a transfer of premises licence holder is made.
- 32.4 A person is connected to the former holder of a Premises Licence if, and only if:
- a. the person is the personal representative in the event of the holder's death;
 - b. in respect of someone who has become mentally incapable, the person is acting under section 6 of the Enduring Powers of Attorney Act 1985; or
 - c. in the event of insolvency, the person is acting as an Insolvency Practitioner.
- 32.5 Interim Authority Notices must also be served on the Police. If the Police consider that the grant of an Interim Authority Notice would undermine the prevention of crime objective, the Licensing Authority will arrange a hearing to consider the Notice.

Licensing Objectives

33 The Prevention of Crime and Disorder

- 33.1 Under Section 17 of the Crime and Disorder Act 1998, the Council has a duty to do all that it reasonably can to prevent crime and disorder in the area. The fear of crime created by disorder, including drunkenness, is as damaging to public confidence and the quality of life as crime itself. The Council's Community Safety Plan in alignment with the Police Crime Commissioner aims to reduce crime, disorder, nuisance and the fear of crime, making Bath and North East Somerset a safer place to live, work and visit.
- 33.2 The Council has introduced measures to assist in the management of this,

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including the provision of Bath Nightwatch, BID Marshals and Taxi Rank Marshals and the installation of CCTV cameras. Joint working with the Police is ongoing, and the Council would expect this partnership approach to be embraced by the licensing trade. This would include participation in the Bath Nightwatch scheme that includes a radio system between licensed premises which links with the CCTV, the Police, Street & Taxi Marshals/FAST ambulance and the Street Pastors.

- 33.3 The Licensing Authority will consider whether the grant of an application will result in an increase in crime and disorder.
- 33.4 Applicants are encouraged to consider crime prevention procedures in their premises before making a formal application. Applicants are encouraged to work in partnership with other licence holders in order to reduce crime and disorder in their area.
- 33.5 The Licensing Authority will continue to play an active part in the development of Pubwatch/Nightwatch and other such schemes.
- 33.6 The Licensing Authority recognises that no matter how well managed the premises are, crime and disorder can occur, particularly outside the premises. Therefore in considering whether the crime and disorder objective is met, the Licensing Authority will normally take into account the criteria set out below.
- 33.7 In considering licence applications, the following will be taken into account:
1. Whether the design, layout, lighting and fittings of the premises have been considered with a view to restricting conflict and minimising opportunities for crime and disorder.
 2. Whether the applicant has included in the Operating Schedule appropriate management measures to prevent/reduce crime and disorder.
 3. Training given to staff in crime prevention measures appropriate to those premises.
 4. Physical security features installed in the premises. This may include matters such as the position of cash registers; where alcohol is stored in 'off-licences', or the standard of CCTV installed, and the use of toughened drinking glasses in pubs and clubs.
 5. The likely exit times from the premises and the demands upon and the capacity of public transport at those times.

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6. Any other such measures as may be appropriate, such as participation in Nightwatch/Pubwatch or other such schemes, 'music wind-down policies', restrictions on 'happy hours' and the availability of seating to discourage vertical drinking.
 7. The measures employed to prevent the consumption or supply of illegal drugs, including any search procedures and entry policies.
 8. Where premises are subject to age-restrictions, the procedures in place to conduct age verification checks.
 9. The likelihood of any violence, public order or policing problems if the licence is granted.
 10. The applicant's willingness to work in partnership with neighbouring licence holders in order to reduce crime and disorder.
 11. The policy on cumulative impact.
- 33.8 The Licensing Authority would also recommend that all Designated Premises Supervisors undergo additional training and have experience commensurate with the nature and style of entertainment provided and capacity of the premises.
- 34 Public Safety**
- 34.1 The Licensing Authority has established protocols with the local Police on enforcement issues to enable a more efficient deployment of Licensing Authority staff and police officers who are engaged in enforcing licensing law and the inspection of licensed premises.
- 34.2 This protocol also provides for the targeting of agreed problem and high risk premises which require greater attention, while providing a lighter touch in respect of low risk premises which are well run.
- 34.3 Inspections are not undertaken routinely, but only when they are judged necessary. This ensures that resources are more effectively concentrated on problem premises. The Act enables the Licensing Authority through its officers to exercise discretion in relation to inspections and does not require annual inspections to take place. The Licensing Authority therefore, does not intend to carry out annual inspections unless the assessed risks make such inspections necessary.
- 34.4 From time to time premises are inspected by Council Officers, the Police and/or

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the Fire Service for purposes of ascertaining compliance with the Act or associated Legislation or Regulations.

- 34.5 During the application period the Responsible Authorities might decide to carry out their own inspections.
- 34.6 Crime, disorder and anti-social behaviour threaten public safety and affect perceptions of public safety. The Licensing Authority must try to ensure the safety of people visiting and working in licensed premises. The Licensing Authority will need to satisfy itself that measures to protect the public including setting safe capacities, adequate means of escape, and the provision of fire fighting equipment and CCTV etc. are put in place and maintained if this is not adequately provided for by other regulatory regimes.
- 34.7 Licensed premises present a mixture of Health and Safety risks, some of which are common to many premises, and others unique to single premises. It is essential that premises are constructed, or adapted, so as to safeguard occupants against such risks.
- 34.8 Where relevant representations are made in relation to imposing a maximum number of persons resorting to premises at any one time for example, to ensure the safety of persons in the premises, and safe escape in the case of an emergency, the Licensing Authority will consider the imposition of occupancy limits by way of condition where it is considered necessary in relation to the promotion of one or more of the licensing objectives.

35 Prevention of Public Nuisance

- 35.1 The Licensing Authority is concerned to protect the amenity of residents and businesses in the vicinity of licensed premises.
- 35.2 Licensed premises have a significant potential to adversely impact on communities through public nuisances that arise from their operation. The Licensing Authority intends to maintain and protect the amenity of residents and other businesses from the potential adverse consequences of the operation of licensed premises whilst recognising the valuable cultural, social and business importance that such premises provide.
- 35.3 In considering an application for a Premises Licence or Club Premises Certificate, the Licensing Authority will consider the adequacy of measures proposed to deal with the potential for nuisance and/or anti-social behaviour having regard to the circumstances of the application.
- 35.4 The Licensing Authority will consider in particular:

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1. The proximity of noise sensitive residential and commercial premises, the steps taken or proposed to be taken by the applicant to prevent noise and vibration escaping from the premises including music, noise from ventilation equipment and human voices. Such measures may include the installation of soundproofing, air conditioning, acoustic lobbies and sound limitation devices.
 2. The steps to be taken or proposed to be taken by the applicant to prevent litter and smell nuisance from the premises.
 3. The steps taken or proposed to be taken by the applicant to prevent disturbance by customers arriving at or leaving the premises.
 4. The steps taken or proposed to be taken by the applicant to prevent queuing (either by pedestrian or vehicular traffic). If some queuing is inevitable, then queues should be diverted away from neighbouring premises or be otherwise managed to prevent disturbance or obstruction.
 5. Whether there is sufficient provision of public transport (including taxis and private hire vehicles) for patrons.
 6. The installation of any special measures where licensed premises are, or are proposed to be, located near sensitive premises such as nursing homes, hospitals, hospices or places of worship.
 7. The use of gardens and other open-air areas.
 8. The position or proposed position of external lighting, including security lighting that is installed inappropriately.
 9. Whether the premises would lead to increased refuse storage or disposal problems, or additional litter (including fly posters and illegal placards) in the vicinity.
 10. The steps taken or proposed by the applicant with particular regard to the recycling of glasses, bottles and cans from their premises.
- 35.5 In certain areas the increased concentration of entertainment uses and longer hours may affect local residents. Commercial occupiers of premises have a legitimate expectation of an environment that is attractive and sustainable for their businesses.
- 35.6 The role of the Licensing Authority is to maintain an appropriate balance

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between the legitimate aspirations of the entertainment industry and the needs of the residents. The Licensing Authority will need to satisfy itself that adequate measures are in place to prevent public nuisance.

36 Protection of Children from Harm

- 36.1 The wide range of premises that require licensing means that children can be expected to visit many of these, often on their own, for food and/or entertainment.
- 36.2 It is hoped that family friendly premises will thrive, but the risk of harm to children remains a paramount consideration when determining applications.
- 36.3 Whilst the Act allows children access to licensed premises, the Licensing Authority recognises that limitations may have to be considered where it appears necessary to protect children from harm.
- 36.4 The general relaxation in the Act giving accompanied children greater access to licensed premises is a positive step, aimed at bringing about a social change in family friendly leisure. Clearly this relaxation places additional responsibilities upon licence holders. However, it is also recognised that parents and others accompanying children also have responsibilities.
- 36.5 The Licensing Authority recognises the Local Safeguarding Children's Board as the Responsible Authority to advise it on matters relating to the protection of children from harm.
- 36.6 The Licensing Authority will judge the merits of each application before deciding whether to impose conditions limiting the access of children to individual premises.
- 36.7 The following are examples of premises that will raise concern:
1. Where entertainment or services of an adult or sexual nature are commonly provided.
 2. Where there have been convictions of members of the current staff at the premises for serving alcohol to minors, or with a reputation for underage drinking.
 3. Where there is a known association with drug taking or dealing.
 4. Where there is a strong element of gambling on the premises (but not, for example, the simple presence of a small number of cash prize gaming

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machines).

5. Where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.
6. Venues which are running 'under-18' events allowing entry to intoxicated young people.

36.8 The Licensing Authority may consider limiting the access of children where it is necessary for the prevention of harm to children. The following conditions may be considered appropriate:

1. Limitations on the hours when children may be present.
2. The exclusion of children under certain ages when particular activities are taking place.
3. Limitations on the parts of premises to which children might be given access.
4. Requirements for an accompanying adult.
5. Full exclusion of people under 18 from the premises or parts of the premises when any licensable activities are taking place.

36.9 No conditions will be imposed requiring that children be admitted to any premises and where no limitation is imposed this will be left to the discretion of the individual licence holder.

36.10 The Act details a number of offences designed to protect children in licensed premises and the Licensing Authority will work closely with the Police to ensure the appropriate enforcement of the law, especially relating to the sale and supply of alcohol to children.

36.11 The Licensing Authority recommends that where appropriate, applicants familiarise themselves with the DrinkAware and Portman Group Codes of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks. The codes seek to ensure that drinks are packaged and promoted in a socially responsible manner and only to those who are 18 years or older.

36.12 Films cover a vast range of subjects, some of which deal with adult themes and/or contain for example, scenes of horror or violence that may be considered unsuitable for children within certain age groups.

B&NES Statement of Licensing Policy

- 36.13 The Licensing Authority will expect licence holders or clubs to include in their Operating Schedules arrangements for restricting children from viewing age-restricted films classified according to recommendations of the British Board of Film Classification (or the Licensing Authority itself) to satisfactorily address safety issues including the supervision of children.
- 36.14 The Act also provides that it is mandatory for a condition to be included in all Premises Licences and Club Premises Certificates authorising the exhibition of films for the admission of children to the exhibition to be restricted in accordance with the recommendation given either by the British Board of Film Classification or the Licensing Authority.
- 36.15 Many children go to see and/or take part in an entertainment arranged especially for them, for example, children's film shows and dance or drama school productions, and additional arrangements are required to safeguard them while at the premises.
- 36.16 The Licensing Authority will expect the Operating Schedule to satisfactorily address safety issues including the supervision of children.

Complaints About Licensed Premises

37 How Complaints Will Be Dealt With

- 37.1 The Licensing Authority will investigate **all** complaints against licensed premises with regard to matters relating to the four licensing objectives. In the first instance, complainants are encouraged to raise the complaint directly with the licence holder or business concerned to seek a local resolution.
- 37.2 Where a local resident or residents' association have made for example:
- relevant representations about licensed premises, or
 - a valid application for a premises licence or club premises certificate to be reviewed.

the Licensing Authority encourages parties to arrange a conciliation meeting to address and clarify the issues of concern where practicable.

- 37.3 Nothing in this Policy shall restrict the right of a Responsible Authority or any other person to call for a review of a licence or club premises certificate, or make relevant representations in accordance with the Act.

B&NES Statement of Licensing Policy

Decision Making

38 Licensing Committee Terms of Reference

- 38.1 The Committee's terms of reference will be set out in the Council's Constitution. The terms of reference have been guided by Regulations issued under the Act.

39 Allocation of Decision making Responsibilities

- 39.1 These responsibilities will be set out in the Council's Constitution. The table on page 36 indicates how the delegation of functions has been allocated

40 Relevant Representations

- 40.1 Representations should be made in writing and received by the Authority within the 28 day period commencing the day after the application/review was served on the Authority. The Authority may not exercise any discretion in respect of late representations.
- 40.2 Relevant representations will illustrate the likely effect the proposals within the application will have on the promotion of at least one of the licensing objectives.
- 40.3 Representations may take the form of an objection, or be positive, and express support of the application.
- 40.4 A representation will not be relevant if the case officer deems it to be frivolous or vexatious.
- 40.5 Representations made by any Responsible Authority or other person which are subsequently withdrawn, will not be regarded as "relevant".
- 40.6 'Responsible Authority' means any of the following:
- a. Police
 - b. Fire & Rescue Service
 - c. Trading Standards
 - d. Local Safeguarding Children's Board
 - e. Environmental Health Department
 - f. Local Planning Authority
 - g. Health & Safety Executive (if premises is a school/college)
 - h. Maritime Agency (if premises is a "vessel")
 - i. Director of Public Health
 - j. The Licensing Authority

B&NES Statement of Licensing Policy

k. Any other Authority as may be prescribed by Regulations.

40.7 Once the Authority is in receipt of a relevant representation, it may no longer grant the application in the form in which it was applied for; instead the matter must proceed to hearing to be determined before the Licensing Sub Committee. With this in mind, the Authority would recommend all applicants allowing two months for an application to be processed.

41 Other Considerations

41.1 The Licensing Authority will give reasons for its decisions. The Licensing Authority will also address the extent to which the decision has been made with regard to the Act, its Statement of Licensing Policy, the Guidance issued by the Secretary of State under the Act and the Human Rights Act 1998.

42 Reviews

42.1 The process for reviewing premises licences and club premises certificates is seen as representing a key protection for the community where problems associated with any of the four licensing objectives are occurring. Licensing Authorities are encouraged to apply a 'light touch' to the grant and variation of premises licences and club premises certificates. The provision of the review mechanism to deal with concerns relating to the licensing objectives arising later in respect of individual premises is integral to this.

42.2 At any stage following the grant of a premises licence or club premises certificate, a Responsible Authority or other person may apply to the Licensing Authority to review a licence because of a matter arising at the premises in connection with one or more of the four licensing objectives. Any application for review must be in writing. Copies of the application must be simultaneously served on the premises licence holder and the relevant Responsible Authorities.

42.3 Additionally a review of the licence will normally follow any action by the Police to close the premises on grounds of disorder or public nuisance.

42.4 The application must relate to a specific premises for which a premises licence or club premises certificate has effect. The grounds for review must be relevant to one or more of the licensing objectives.

42.5 Sufficient information or evidence should be contained within the application to enable the holder of the premises licence or club premises certificate or any representative of the holder of a premises licence or club premises certificate to prepare a response.

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- 42.6 Where the application for a review is received the Licensing Authority must firstly consider whether it is relevant. Any applications found to be irrelevant, vexatious or frivolous will be rejected and the review applicant advised of the reason(s) for the rejection.
- 42.7 Where a relevant application is received the Licensing Authority will advertise the application and hold a hearing to determine the review application.
- 42.8 The Licensing Act 2003 provides the Licensing Authority with a range of powers on determining a review that it may exercise where it considered necessary for the promotion of one or more of the licensing objectives.
- 42.9 The Licensing Authority would strongly urge anyone who is suffering adverse effects due to the way in which a licensed premises is operating, to talk to the Licensing Team. Officers can give free impartial advice on how to complete the necessary forms, and talk those affected through the review process.

43 Appeals

- 43.1 New and variation applications once determined will take immediate effect. There will however follow a 21 day appeal period during which any party to the hearing may appeal the decision to Bath Magistrates' Court.
- 43.2 Once an application for the Review of a premises licence or club premises certificate has been determined, it will not take effect until the 21 day appeal period had lapsed or if appealed, once the appeal has been dispensed with.
- 43.3 An appeal against the grant or refusal of a personal licence application must be made to the Magistrates' Court.
- 43.4 Schedule 5 to the Licensing Act 2003 sets out entitlement to appeal.

Fees

44 Fees

The Authority is aware that the Government is considering moving from nationally set Licensing Act fees to locally set fees. The situation will be monitored and where appropriate procedures will be adopted to ensure that fees are set based on cost recovery.

B&NES Statement of Licensing Policy

Late Night Levy

45 Late Night Levy

This is a power conferred on Licensing Authorities by the Police Reform and Social Responsibility Act 2011 which enables a levy to be charged persons who are licensed to sell alcohol late at night in the authority's area, as a means of raising a contribution towards the costs of policing the late-night economy. The option of introducing such a levy will be kept under review by the Council.

B&NES Statement of Licensing Policy

Table of Delegations of Licensing Functions

MATTER TO BE DEALT WITH	FULL COUNCIL	SUB COMMITTEE	OFFICERS
Approval of Policy and annual review	All cases		
Application for Personal Licence		If a police objection is made	If no objection made
Application for Personal Licence, with unspent convictions		If a police objection is made	If no objection made
Application for Premises Licence/Club Premises Certificate		If a relevant representation is made	If no relevant representation is made
Application for Provisional Statement		If a relevant representation is made	If no relevant representation is made
Application to vary Premises Licence/Club Premises Certificate		If a relevant representation is made	If no relevant representation is made
Application to vary Designated Premises Supervisor		If a police objection is made	All other cases
Request to be removed as Designated Premises Supervisor			All cases
Application for transfer of Premises Licence		If a police objection is made	All other cases
Application for interim authorities		If a police objection is made	All other cases
Application to review Premises Licence/Club Premises Certificate		All cases	
Decision on whether a complaint is irrelevant, frivolous, vexatious, etc.			All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application		All cases	
Determination of an objection to a Temporary Event Notice		All cases	
Determination of Minor Variation applications for premises licences and for club premises certificates.			All cases
Determination of the removal of a Designated Premises Supervisor or Personal Licence Holder at community premises.		If a relevant representation is made.	All other cases
Applications for the classification of unclassified films.		All cases	

B&NES Statement of Licensing Policy

Map Outlining the Cumulative Impact Policy for Bath City Centre



B&NES Statement of Licensing Policy

Further Information

Further information about the Act and this Statement of Licensing Policy can be obtained from:

Licensing Team
Bath & North East Somerset Council
Lewis House
BATH BA1 1JG

Tel: 01225 477531
Fax: 01225 477596
Email: licensing@bathnes.gov.uk
Website: www.bathnes.gov.uk

The Guidance issued under Section 182 of the Act can also be viewed on this site.

Information in relation to large events is available from the Council's Event Safety Co-ordinator:

Public Protection and Health Improvement
Bath & North East Somerset Council
Lewis House
BATH BA1 1JG

Tel: 01225 477563
Fax: 01225 477596
Email: Public_Protection@bathnes.gov.uk
Website: www.bathnes.gov.uk

The Licensing Act 2003 can be viewed online at:

www.opsi.gov.uk/acts/acts2003/ukpga_20030017_en

Code of Best Practice for Licensed Premises

The purpose of this Code is to assist applicants and those responsible for managing licensed premises to operate in a safe and responsible manner.

Our aim in publishing this Code of Best Practice, is to build on the good relationships we have already established with the trade and partnership agencies to encourage communication, information sharing and partnership working.

The Code is not statutory guidance but a guide to encourage Best Practice throughout the Authority Area. However, the four licensing objectives that underpin the framework of the licensing legislation should be of paramount consideration at all times.

It's good to talk!

Members of the Licensing Team are here to discuss your licensing needs, as well as all the options available to you. We actively encourage event organisers and applicants to engage in pre-application discussions with any relevant Responsible Authorities or Residents' Associations.

The Authority acknowledges that one size doesn't fit all and that the individual style and characteristics of the premises will dictate what measures are considered appropriate and necessary for your business or client.

PREVENTION OF CRIME & DISORDER

Don't be afraid to say "No!"

- In times of austerity it is difficult to turn away custom, however you have the right to refuse admission to undesirable patrons and have a legal obligation to refuse to supply alcohol to anyone who is drunk or underage, or to any person who is buying alcohol for someone who is drunk or under age.
- In respect of the above, it's always a good idea to maintain a Refusals Register of refused sales and refused admissions.
- Local "Pubwatch/Nightwatch" schemes already operate within the Authority area offering both support and an opportunity for the trade to share information. If you are not already a member of one of these schemes just contact the Licensing Team at licensing@bathnes.gov.uk or call 01225 477556 for up to date contact details.
- If you supply alcohol by virtue of a Club Premises Certificate you will already be aware of the mandatory condition requiring all alcohol supplied for consumption off the premises to be in sealed containers. If your premises licence does not endorse this, the Authority would encourage the best practice of all alcohol sold for consumption off the premises being supplied in its original, sealed container.

Dispersal Policy

- Why not employ your Door staff to supervise patrons leaving premises en masse and to remain on duty for 20 minutes after closing?

Code of Best Practice for Licensed Premises

- Have you considered allowing your customers to wait inside the premises for their transport home?
- If Late Night Refreshment is permitted under your authorisation why not serve coffee and non-alcoholic beverages to those who are waiting for transport?
- Please be aware of any vulnerable people. Are there any young females leaving your premises alone for example? Could you offer to call a cab on their behalf and allow them to wait inside the premises?

Drugs Policy

- Advertise the fact that the premises has a “Zero Tolerance” policy in respect of drugs by prominently displaying signage at the premises.
- Refuse entry to any known or suspected drug dealers.
- Although not a legal requirement, premises who implement a drugs policy are demonstrating that they are taking a pro-active approach to safeguarding both their customers and their staff.
- Depending on the nature of the premises, search policies may be appropriate.
- Regularly carry out toilet checks and maintain a record of such checks or employ a toilet attendant or supervisor.
- Any items seized should be recorded and placed in an envelope or drugs bag detailing what the item is, the date it was found/seized and by whom. Place any items in a safe or drugs box and contact the Police.

Security

- If you are using CCTV it is essential that the system is maintained in good working order.
- Ensure footage is kept for a minimum of 31 days and made available to the Police or Licensing Authority upon request. Train staff so that they are competent at carrying out this task.
- Focus on internal areas that are accessible to the public and areas immediately outside the premises.
- Consider using an alarm system or other security measure so as to protect the premises when it is closed or empty.
- Notices advising “CCTV in operation” can act as a deterrent, as does the use of outside lighting – be careful not to cause a nuisance with regards to the latter.
- Review your security policy regularly.

Code of Best Practice for Licensed Premises

Door Staff

- Any door staff or persons employed to supervise the door or carry out security functions must be registered in accordance with the Security Industry Authority (SIA) Regulations.
- Fluorescent jackets can help customers more readily identify those who are employed to carry out a security function at your premises. If your authorisation does not require this then ensure that badges worn by SIA registered staff are always prominently displayed.

Search Policies

- Even if the need is considered low, some licensed premises would benefit from having a search policy even if it only consists of randomly searching bags.

Promote Well-Being and Reduce Anti-Social Behaviour, Crime and Disorder

- Refuse single can sales and refrain from displaying alcohol by exits or tills
- Offer a wide range of non-alcoholic beverages
- Remove super-strength (10%) cider, lager and beers from the offering
- Ensure all drinks promotions are risk assessed accordingly and comply with existing legislation!
- Cheap alcohol – do not sale alcohol below the cost of duty plus VAT and help reduce the number of people drinking to excess within our communities

PREVENTION OF PUBLIC NUISANCE

Sssssssshhhh!

- Displaying signage at all exits requesting customers to be considerate of your neighbours when leaving the premises is a pro-active, cost effective way of promoting this licensing objective.
- Have you considered restricting the use of any outside areas the premises may have as a means of preventing nuisance?
- Environmental Health Officers are available to offer advice in relation to reducing noise emanating from your premises. In addition the team has produced a Code of Practice and guidance notes on controlling noise at concerts and outdoor events. For further information please email environmental_protection@bathnes.gov.uk or telephone: 01225 477563.
- Keeping the frontage of your premises clean and clear of litter will not only prevent nuisance but will also make your premises more attractive to potential customers.

Code of Best Practice for Licensed Premises

- Consider closing windows and external doors after 23:00 when regulated entertainment is taking place.
- Be mindful of any outside lighting – there needs to be a balance between promoting public safety and preventing public nuisance.

PUBLIC SAFETY ON THE PREMISES

- To promote the safety of your customers whilst on the premises consider using polycarbonate or toughened glass after a certain time or during a specific event.
- Ensure that you promptly clear away any empty glasses or abandoned drinks from the bar, tables or outside areas.
- Under the Regulatory Reform (Fire Safety) Order 2005 you must risk assess your premises. Fire Safety Officers can offer advice to assist you with your assessment. For further information please contact:

Avon Fire & Rescue Service
Temple Back
Bristol BS1 6EU

Telephone: 0117 9262061 or email: BathCFSEnquiries@avonfire.gov.uk

- Do not carry out any irresponsible drinks promotions at or from your premises that encourage people to drink more than they would ordinarily do or faster than they would ordinarily do.
- Maintain a documented accident record at your premises, detailing the date, time and nature of any accident.
- Have you given due consideration to capacity limits and do you have an evacuation policy in respect of your premises? Have your staff received training in respect of this?

PROTECTION OF CHILDREN FROM HARM

Everyone involved in the licensing process has a duty to protect children from moral, psychological and physical harm.

- Always provide training for staff in relation to age related products and age/alcohol related offences to prevent any sales of alcohol to persons under the age of 18 taking place at your premises.
- For information relating to the illegal tobacco campaign visit www.stop-illegal-tobacco.co.uk.

Code of Best Practice for Licensed Premises

- Be aware that Test Purchase operations are actively carried out within the Authority Area. To report under-age sales please contact the Trading Standards Team.
- As it is a mandatory condition for you to have an age verification policy in place, why not protect yourself and your staff by adopting one of the following schemes?
- Retailers may reserve the right to refuse to sell alcohol to an adult accompanied by a child, if they believe the alcohol is being purchased for the child.

Challenge 21

- Awareness of the need for those involved in selling alcohol to be vigilant in preventing underage sales has for many years been raised by The British Beer & Pub Association's "Challenge 21" scheme. The scheme is a reminder to customers that it is illegal to purchase alcohol if you are under 18 years of age, or to purchase alcohol on behalf of anyone under 18 years of age.
- Challenge any person who appears to be under 21 years of age and refuse to serve alcohol to them unless proof of age bearing the persons photograph, date of birth and a holographic mark is produced. Use only passport, driving licence or accredited "PASS" card as proof of age.
- Hard copies of the "Challenge 21" poster (recently updated to include military I.D.) may be obtained from the BBPA's shop free of charge to members or downloaded for free from:

<http://www.beerandpub.com/industry-briefings/challenge-21>

Challenge 25

- The "Challenge 25" scheme builds on the Challenge 21 scheme introduced by the BBPA. Anyone involved in selling alcohol to the public can access further information about the scheme by accessing the Wine and Spirit Trade Association (WSTA) website at:

<http://www.wsta.co.uk>

Identification

- The False ID Guidance issued by the Home Office may be accessed from:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/98108/false-id-guidance.pdf

Restricting Access

- In the first instance the legislation encourages family friendly premises, however, depending on the nature of your premises it may be necessary to restrict children's access to certain areas or to restrict the times that children may remain on the premises.

Code of Best Practice for Licensed Premises

- You have a duty not only to protect children from the obvious harms associated with alcohol, but also to protect them from wider harms associated with adult entertainment and certain films.

Offences Relating to Children and Alcohol

- Are you fully aware of the offences relating to children under the legislation? Did you know that it is an offence:
 - to knowingly allow unaccompanied children under the age of 16 on premises when open and primarily used for the sale or supply of alcohol?
 - to sell alcohol to someone under 18 or supply alcohol to a club member or guest under 18?
 - to sell or supply liquor confectionery to a person under 16 years of age?
 - for an adult to buy or attempt to buy alcohol on behalf of someone under 18 years of age?
 - for someone under 18 years of age to buy alcohol or attempt to buy alcohol?
 - for someone under 18 to consume alcohol in a licensed premises except where the child is 16 or 17 years of age, accompanied by an adult, is having a table meal and beer wine or cider is purchased by the adult?
 - to knowingly allow the consumption of alcohol by a person under 18 on premises authorised by a premises licence, club premises certificate or temporary event notice excepting the above?
 - for an adult to purchase alcohol for someone under 18 to consume on licensed premises excepting the above re 16 and 17 year olds?
 - to give children alcohol if they are under 5 years of age?

Smoke Free

- Actively supervise customers smoking outside of the premises or in any outside areas – remember they may not be aware of any conditions that may be attached to your authorisation restricting the use of certain outside areas.

OTHER MATTERS FOR CONSIDERATION

Have you considered any ancillary permissions or guidelines that may be relevant to your business or client such as those relating to planning, street trading, the placing of tables and chairs on the highway or the use of “A” Boards?

Information regarding all of the above may be accessed via our website at www.bathnes.gov.uk .

Other useful contacts are:

www.drinkaware.co.uk

Bath & North East Somerset Council		
MEETING	Planning, Transportation and Environment Policy Development & Scrutiny Panel	
DATE:	8 th July 2014	
TITLE:	Review of Street Trading Policy	
WARD:	All	
AN OPEN PUBLIC ITEM		
<p>List of attachments to this report:</p> <p>Draft Street Trading Policy</p> <p>Draft Street Trading Policy conditions</p> <p>Draft guidance notes for Street Trading stalls in Bath and North East Somerset</p>		

1 THE ISSUE

- 1.1 To review the Council's street trading policy which was last updated in 2010. The Council is formally consulting on this review which began on 1st June and ends on 30th July 2014.

2 RECOMMENDATION

- 2.1 The Panel are invited to note the report and offer any comments regarding the revised Street Trading Policy, conditions and guidance notes for street trading stalls which can be fed into the formal consultation.

3 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

- 3.1 Finance and Property: The revised policy proposes that there will be a preferred set of standards for the design and appearance of stalls and compliance is expected from all street trading pitches. Stalls within the main shopping area of Bath will be expected to use a particular design in recognition of the importance of this area and the world heritage status of the city. This area will include the central spine of Milsom Street down through Union Street, Stall Street and

Southgate Street in addition to other popular areas such as Kingsmead Square, Sawclose and Terrace Walk.

- 3.2 It is proposed that all new applicants will be required to adopt the new standards from when they are granted a street trading pitch; existing pitches will be required to upgrade their units by 1st January 2017. To assist both existing applicants and new street traders, the Council has produced guidance notes which identify the types of stalls and standards of quality and design which would achieve compliance. In anticipation of this change, the Council has already been working with existing street traders to help them upgrade their units. For both existing and new traders, the Council intends to purchase a number of units which could then be rented to the trader on a cost recovery basis for the period that they have a street trading consent. This prevents the trader from paying a large, upfront cost to help them with their business from the outset. The unit would remain the property of the Council but be retained by the trader during the period of time that they retain the street trading consent. The trader would also be responsible for insuring the unit against theft and/or damage.
- 3.3 The cost of the units is expected to be under £10k which will be found from existing budgets. The anticipated annual rental income from the units is likely to be in the region of £3k until such time as the cost of each unit has been recovered.
- 3.4 All fees charged in respect of street trading will remain on a cost recovery basis.

4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL

- 4.1 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. This effectively means that street trading in any street is prohibited subject to legal exemptions, without first obtaining a street trading consent from the Council.
- 4.2 The Council is committed to equality of opportunity and believes that the diversity of the community is a strength which contributes to the social and economic prosperity of Bath and North East Somerset.

5 THE REPORT

- 5.1 The Council is keen that this revision of its Street Trading Policy emphasises the importance of street trading to both the local environment and local economy and the role it plays in helping small businesses to establish and grow. The main changes in this revised policy are:
- A recognition of the need to have consistency in the standard and design of stalls particularly within the main shopping area of the city of Bath
 - The establishment of pitches for buskers so that they are able to legitimately sell goods that are associated with their performance e.g. CD's
 - A recognition of the benefit that street markets can bring to Bath and North East Somerset through providing greater diversity of choice for consumers

5.2 The Council is consulting widely with stakeholders throughout B&NES about this revised policy, conditions and guidance notes. Consultation has included and will include:

- An online consultation questionnaire via the B&NES Council website www.bathnes.gov.uk/consultations/street-trading-policy
- A letter/email to all street traders, Councillors, Parish Council, Town Councils and others providing a copy of the proposed policy, conditions and guidance notes
- Attendance at the Bath City Conference Consultation Café and presentations to groups such as the Independent Traders Forum
- A stakeholder workshop on 23 July 2014 for all consultees where the policy, conditions and guidance notes can be discussed in more detail

6 RATIONALE

6.1 The revised Street Trading Policy must be adopted and as part of the consultation views are being sought from a wide range of stakeholders, including this Panel.

7 OTHER OPTIONS CONSIDERED

7.1 None.

8 CONSULTATION

8.1 Consultation will be through circulation of this report in addition to the consultation already taking place within this review.

9 RISK MANAGEMENT

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

Contact person	<i>Cathryn Humphries 01225 477645</i>
Background papers	<i>Draft Street Trading Policy, conditions and guidance</i>
Please contact the report author if you need to access this report in an alternative format	

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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; and
 - seeks to enhance the character, ambience and safety of local environments

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 Specific sites for buskers will be established in the centre of Bath. Only these sites can be used by performers who also want to sell items connected with their performance e.g. CDs.
- 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

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 4.2 above 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 sections 4 and 5 of this policy.

10 Pitches for Buskers

- 10.1 The Council will establish pitches within the centre of Bath specifically for the use by buskers. These pitches have been established in order to reduce potential nuisance to local residents and businesses. As these pitches will be street trading pitches buskers are able to sell goods associated with their performance e.g. CDs.
- 10.2 Applications for pitches for buskers will be considered using the same criteria set out in 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 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.
- 12.3 Goods will normally consist of craftwork, fresh flowers, 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.

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 A consent cannot be issued to a person under 17 years of age.
- 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 of fresh food products where the advice of the Council's Food Safety team will be sought before the consent is issued.

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.

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Street Trading Standard 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.
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, 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 on 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.

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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. 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.
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 subparagraph (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.

Guidance Notes for Street Trading Stalls in Bath and North East Somerset

These guidance notes should be read in conjunctions with the Council's Street Trading Policy and Standard Conditions.

The aim of these guidance notes is to provide help to stall holders on what type of stall they should provide and the quality and design of the stall that the Council expects.

Primarily any stall should be visually appealing, be so constructed that it does not present a danger to the public or people working on the stall, it should not create an obstruction of the highway allowing the free flow of pedestrian traffic and it should not cause a nuisance or annoyance to the public or to local residents and businesses.

The Council accept that there is no one design which will be suitable for all locations or for all uses, so these notes are a general guidance and for further detail any stall holder, or potential stall holder, should contact the Council's Licensing Team first of all.

General Stall Design

In general stalls should be of a portable ridged frame market umbrella system, they should be of robust construction, should be able to withstand all weathers, should not present any health and safety risk to the public or people working on the stall and should be suitable for the purpose that it is intended for whether it is a stall selling craft goods or a stall selling hot food.

- Stalls should be appropriate for the area that they are situated and should allow a thoroughfare of at least 2 metres for the free movement of the public. The 2 metre rule may be increased where there is particular heavy footfall or there are obstructions such as bus stops, bicycle stands, or benches.
- As a general rule no stall should cover an area larger than 7.5 square metres e.g. 3.0m x 2.5m. Stalls can only be larger than this if agreed by the Council and in some circumstances additional fees may be required for stalls which are larger than the 7.5 square metres.
- Stalls should have a suitable canopy which is designed for everyday use, is robust, adequately covers the stall and provides some protection to the customer.
- Ancillary equipment and stock must be kept within the footprint of the pitch.
- Trading from vehicles or caravans on paved areas will not normally be permitted due to the damage that may be caused to the paving.
- The use of loudspeakers will not normally be allowed due to potential noise nuisance to local residents and businesses.

- The stall holder will be required to provide their own power supply. Where a generator is used then sufficient precautions should be taken to prevent any possible nuisance from noise or spillage of fuel.
- Canopies and awnings must be secured to the support structures neatly and securely, with adequate tension and no sharp projections.
- Street trading consent holders wishing to advertise on or from their stall must, prior to any advertisements being displayed, seek written permission from the Council's Licensing team.
- The use of advertising A-boards will not be allowed.

Stalls in the Central shopping area of Bath

The Council have carried out a trial of what it considers to be suitable stalls for the central shopping area of Bath. The trial consisted of three stalls at the top of Southgate Street and considered visual amenity and practicality of the stalls. The design of the stalls also took into account the importance of the central shopping area and the world heritage status of the city.

Following the success of the trial it has now been decided to expand this design to the rest of the central shopping area of Bath.

Canopies and awnings which are a pastel coloured are preferred. Examples of the preferred style are given below.



The main central shopping area consists of the central spine of Milsom Street down through Union Street, Stall Street and Southgate Street. It will also include other popular areas in the centre such as Kingsmead Square, Sawclose and Terrace Walk.



Stalls outside the central shopping area of Bath

Stalls should comply with the general stall design principles however, although the Council will not require the same standards as for the centre of Bath, the stall will still need to be in keeping with its immediate surroundings.

Street Markets

Applications for temporary street markets will be taken on a case by case basis and the general stall design principles will still apply. Details of the number of stalls, the area to be used, the design of each type of stall, what each stall will be selling and the number of trading days and days taken to erect and dismantle the stalls will be required.

In certain circumstances planning consent may be required for street markets, for further information on whether or not this applies then the Council's Development Control team should be contacted.

Buskers Pitches

The Council have set up specific pitches for people who busk to sell items associated with their performance. These pitches will be in predetermined locations in the city centre. Items to be sold from the pitch must be relevant to the performance.

Mobile Stalls

These are the stalls such as ice cream vendors but do not include rounds men, which are exempt from the street trading legislation.

People intending to use a mobile stall should submit details of the vehicle or stall they intend to use, the items they intend to sell and details of the daily routes they intend to use.

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PLANNING, TRANSPORT AND ENVIRONMENT PDS FORWARD PLAN

This Forward Plan lists all the items coming to the Panel over the next few months.

Inevitably, some of the published information may change; Government guidance recognises that the plan is a best assessment, at the time of publication, of anticipated decision making. The online Forward Plan is updated regularly and can be seen on the Council's website at:

<http://democracy.bathnes.gov.uk/mgPlansHome.aspx?bcr=1>

The Forward Plan demonstrates the Council's commitment to openness and participation in decision making. It assists the Panel in planning their input to policy formulation and development, and in reviewing the work of the Cabinet.

Should you wish to make representations, please contact the report author or Mark Dumford, Democratic Services (01225 394458). A formal agenda will be issued 5 clear working days before the meeting.

Agenda papers can be inspected on the Council's website and at the Guildhall (Bath), Hollies (Midsomer Norton), Riverside (Keynsham) and at Bath Central, Keynsham and Midsomer Norton public libraries.

Planning, Transport and Environment PDS Forward Plan

Bath & North East Somerset Council

Anticipated business at future Panel meetings

Ref Date	Decision Maker/s	Title	Report Author Contact	Strategic Director Lead
PLANNING, TRANSPORT AND ENVIRONMENT POLICY DEVELOPMENT & SCRUTINY PANEL - 8TH JULY 2014				
8 Jul 2014	PTE PDS	7.5T HGV Weight Restriction, The Street, Stowey	Matthew Smith Tel: 01225 396888	Louise Fradd
8 Jul 2014 13 Nov 2014	PTE PDS Council	Council's Statement of Principles (Licensing Policy)	Cathryn Humphries Tel: 01225 477645	Louise Fradd
8 Jul 2014 12 Nov 2014 E2598	PTE PDS Cabinet	Review of the Council's Street Trading Policy and Conditions	Alan Bartlett, Cathryn Humphries Tel: 01225 477536, Tel: 01225 477645	Louise Fradd
8 Jul 2014 10 Jul 2014	PTE PDS Council	Core Strategy	Simon De Beer Tel: 01225 477616	Louise Fradd
PLANNING, TRANSPORT AND ENVIRONMENT POLICY DEVELOPMENT & SCRUTINY PANEL - 16TH SEPTEMBER 2014				
16 Sep 2014	PTE PDS	Bath Transport Strategy - Consultation Feedback	David Trigwell Tel: 01225 394125	Louise Fradd

Ref Date	Decision Maker/s	Title	Report Author Contact	Strategic Director Lead
10 Apr 2013	Cabinet	Bus Priority Measures in Dorchester St, Manvers St and Pierrepoint St., Bath	Adrian Clarke Tel: 01225 395223	Louise Fradd
16 Sep 2014 E2439	PTE PDS			
16 Sep 2014	PTE PDS	Enterprise Area Master Plan	John Wilkinson Tel: 01225 396593	Louise Fradd
16 Jul 2014	Cabinet	Community Infrastructure Levy Draft Charging Schedule	Simon De Beer, Kaoru Jacques Tel: 01225 477616, Tel: 01225 477288	Louise Fradd
16 Sep 2014 E2638	PTE PDS			
16 Sep 2014	PTE PDS	Air Quality in B&NES		Louise Fradd
16 Sep 2014	PTE PDS	Allotments Strategy	Graham Evans Tel: 01225 396873	Louise Fradd
16 Sep 2014	PTE PDS	Keynsham Transport Strategy		Louise Fradd
PLANNING, TRANSPORT AND ENVIRONMENT POLICY DEVELOPMENT & SCRUTINY PANEL - 4TH NOVEMBER 2014				
FUTURE ITEMS				
The Forward Plan is administered by DEMOCRATIC SERVICES : Mark Durnford 01225 394458 Democratic_Services@bathnes.gov.uk				

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