

BATH AND NORTH EAST SOMERSET COUNCIL

PLANNING, TRANSPORT AND ENVIRONMENT POLICY DEVELOPMENT AND SCRUTINY PANEL

Tuesday, 8th July, 2014

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

Also in attendance: Matthew Smith (Divisional Director, Environmental Services), Simon De Beer (Policy & Environment Manager), Steve Blackmore (Traffic Management Manager), Cathryn Humphries (Team Manager- Health and Environment (Environmental Protection and Licensing)), Alan Bartlett (Public Protection Team Leader) and Andrew Tapper (Public Protection Officer)

Cabinet Member for Transport: Councillor Caroline Roberts

12 WELCOME AND INTRODUCTIONS

The Chair welcomed everyone to the meeting.

13 EMERGENCY EVACUATION PROCEDURE

The Chair drew attention to the emergency evacuation procedure.

14 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.

15 DECLARATIONS OF INTEREST

There were none.

16 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

There was none.

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

Councillor Patrick Anketell-Jones addressed the Panel on the matter of street lights in Lansdown. He explained that there were a number of lights on Morford Street and the junction of Juilan Road that were causing concern to some residents. He said that the lights in question were currently in shared ownership between Curo (2) and B&NES (4) and that all electricity to them was supplied by B&NES.

He stated that the Curo lights had failed recently on two occasions, with the most recent occasion being October 2013. This failure has been reported but as yet the lights have not been fixed.

Councillor Anketell-Jones said he believed the long delay was due to the shared ownership and called for the lights to be brought into sole ownership of the Council to simplify their maintenance and to be refurbished. He asked for the Panel to support this request and pass it to the Cabinet Member for Neighbourhoods.

Councillor Roger Symonds asked if he was aware that this may open the floodgate for further similar requests.

Councillor Anketell-Jones replied that he appreciated that possibility, but said he was seeking a resolution to a problem for local residents.

The Divisional Director for Environmental Services commented that officers do meet with Curo on a regular basis and that he was willing to take this point away for discussion.

The Chair suggested that a Street Light Review be added to the Panel's workplan in case they have time to carry one out in the future. She also thanked Councillor Anketell-Jones for making his statement and on behalf of the Panel said that she hoped the matter would be resolved as soon as possible.

18 MINUTES – 19TH MAY 2014

Councillor Roger Symonds asked for an amendment to be made to the minutes. He said that the sixth paragraph on page eight on the minutes should read 'and that the Council had now managed to incorporate the majority of them', rather than First.

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

19 CABINET MEMBER UPDATE

The Cabinet Member for Transport, Councillor Caroline Roberts addressed the Panel. She informed them that there had been a good take up of the new nextbike self-service bike hire scheme since its introduction.

She said that the new fare structure from First was now in place.

She explained that work had commenced on the Rossiter Road scheme and that it would continue until the end of 2014.

She informed them that new footbridge and cycleway across the River Avon at Batheaston would open on Tuesday 15 July.

She concluded by stating that 20mph zones were soon to be rolled out in rural areas.

Councillor Liz Richardson thanked Councillor Roberts for her help in enabling the footpath in Chew Stoke to be completed. She was however concerned by the amount of rubbish that had been left on site by the contractors and asked if somebody could look into it.

Councillor Roger Symonds asked how much was the total of the fines that had to be paid back to the public following the trial period of a bus gate on Dorchester Street. He also asked if she took full responsibility for the problems that occurred in the trial period.

Councillor Roberts replied that she did take responsibility for any problems that had occurred and was unsure of the final figures relating to fines, but would get an answer to the Panel in due course.

The Chair asked if any information was yet publicly available on the options for a Park & Ride to the East of Bath. She also wished to see a full feasibility appraisal, including a cost-benefit analysis of any proposal.

The Divisional Director for Environmental Services replied that the Council were currently looking to commission a piece of work to research the options available. He added that Cabinet approval for the work would be sought in September and that it was thought that the research would take several months to complete.

The Chair thanked Councillor Roberts for her update on behalf of the Panel.

20 7.5T HGV WEIGHT RESTRICTION, THE STREET, STOWEY

The Traffic Management Manager introduced the item to the Panel. He explained that 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, but it is not known why this was never implemented.

He stated that a request had 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.

He said that it was 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. He added that 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.

He informed them that an informal consultation had been carried out with the police and they had 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. He added that 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.

He explained that a funding source would need to be identified given that there were no funds available from the current 2014/2015 Capital Programme. He stated that the cost of advertising the TRO and to implement the necessary signage would be £5,000. It is intended to seek the agreement of the Cabinet Member for Transport to fund this work via an adjustment to the 2014/2015 capital budget, subject to sufficient funds being available.

He said it was therefore recommended that, once the appropriate funds have been identified, the TRO is progressed and the scheme implemented if no objections are received. He added that if any objections were received and sustained they would be reported to the Cabinet Member for determination.

Councillor Vic Pritchard commented that he was grateful for the speed in which this investigation had been processed. He thanked the Traffic Management Manager for meeting residents on site to see the problem first hand.

Councillor Lisa Brett stated that she was happy to support the proposed recommendation.

The Chair asked if any street cameras should be set up to monitor vehicle movements.

The Traffic Management Manager replied that for an offence to occur the Police would need to actually follow the vehicle for the duration of its journey through the restricted area. He added that the local residents have indicated that they are happy to conduct a survey / monitor the situation once a limit is in place.

Councillor Liz Richardson commented that any incidents could be reported at the local PACT meetings.

The Chair formally proposed to approve the officer recommendation and asked that the Panel be updated on the matter in six months' time.

The Divisional Director for Environmental Services commented that the recommendation was still reliant on the funding of £5,000 being identified.

The Panel voted unanimously to approve the proposed recommendation.

Alana Weeks commented that she wished to thank officers and Councillors for the work they had done on this matter.

21 CORE STRATEGY UPDATE

The Group Manager for Policy & Environment addressed the Panel. He informed them that the Inspector's report was now with the Council following his review of the proposed changes and objections received from the public, including local residents and the development industry.

He explained that at its meeting on July 10th the Council must consider the modifications that have now been proposed by Inspector. He added that for the Core Strategy to now progress the Council would need to accept all the modifications.

Mr David Redgewell addressed the Panel. He said that he had supported the adoption of a Core Strategy throughout the process as he firmly believed it was an important document. He also emphasised that alongside the Core Strategy there was a need to have a robust Transport Strategy.

He stated that any subsequent debate on an East of Bath Park & Ride should be non-political and that it should be about finding the best solution to a long standing issue. He called for all parties to be united to move the debate forward.

The Chair replied that she had already raised the matter of analysing the costs, timescales etc. of any scheme with the Cabinet Member for Transport earlier in the meeting and that this would be discussed at a future meeting of the Panel.

Councillor Douglas Nicol commented that he did not think that the political groups were playing games on this matter. He added that a Park & Rail scheme was probably a better solution but that it was probably more expensive.

Councillor Lisa Brett agreed that the strategies of the Council do need to cross over. She asked Mr Redgewell if he was aware of the current discussions between the Council and Network Rail.

Mr Redgewell replied that he was, but said that he wanted to stress that any proposals to create a new station must be done via the proper process with the appropriate studies having been commissioned.

Councillor Douglas Nicol asked if a track was currently available for a Park & Rail scheme.

Mr Redgewell replied that the track that was in place currently was not adequate for stock to be able to turn around.

Councillor Liz Richardson asked if a figure on page 65 of the Inspector's Recommended Main Modifications was correct. She wondered if under MM133 – 7.05a it should 'around 13,000 homes' instead of the printed '12,700 homes'.

The Group Manager for Policy & Environment said that he would discuss that point with his colleagues.

The Chair asked Councillor Richardson to email the Group Manager for Policy & Environment if she had any other points of clarification to raise.

Councillor Douglas Nicol asked if the density on brownfield sites needed be increased.

The Group Manager for Policy & Environment replied that the Council was already seeking to maximise the density on these sites as much as possible. He added that 80% of the proposed new homes would be built on brownfield sites.

Councillor Roger Symonds asked if discussions were due to take place with Curo regarding the density of homes planned on the former MoD Foxhill site and the reconfiguration of the Foxhill Estate.

The Group Manager for Policy & Environment replied that the Council had spoken with Curo on this matter, but that talks were at too early a stage for any outcomes to be incorporated into the Core Strategy.

Councillor Vic Pritchard asked how the Council could control developers from using particular sites as greenfield will be easier to build upon.

The Group Manager for Policy & Environment replied that the demand for housing in the district is sufficiently significant to encourage the development of brownfield and greenfield sites simultaneously. This is evidenced by the current development of a significant number of brownfield sites such as Bath Western Riverside and the former MoD sites are already underway and that development on greenfield sites must be progressed alongside these. He added that the 5 year land supply need also requires that greenfield sites are brought on stream as soon as possible alongside the existing brownfield commitments.

Councillor Vic Pritchard commented that he was concerned that developers will land bank housing sites.

The Group Manager for Policy & Environment replied that the Council's role is to show the Inspector that we have a trajectory of site development. He added that the need for housing was such that phasing or hold back of greenfield sites was not justified.

Councillor Douglas Nicol commented that he shared these concerns and asked what the Council could do if a developer purchases some land and does not develop upon it.

The Group Manager for Policy & Environment replied that the Council cannot enforce the developer to act, it is their role to have a strategy for development to take place. He acknowledged that the maintenance of a 5 year supply is dependent on progress made by the house building industry

The Chair suggested that the Panel at some point undertakes a review of sites that have planning permission but have yet to be built upon.

The Panel agreed to this proposal.

Councillor Liz Richardson asked if a further analysis of greenfield sites would be sought if the delivery of brownfield sites became too slow.

The Group Manager for Policy & Environment replied a review would take place in 5 years' time to assess whether targets are being delivered and that the target is still the appropriate one. He added that no changes would be necessary if we feel the numbers can be recovered during the plan period.

Councillor Liz Richardson asked if further use of greenfield sites could be ruled out at review.

The Group Manager for Policy & Environment replied that he could not say at this stage.

Councillor David Martin asked what happens next, in particular in terms of the Placemaking Plan.

The Group Manager for Policy & Environment replied that should the Core Strategy be adopted further work on the Placemaking Plan would accelerate with an options consultation in November with a draft Plan due for the middle of 2015.

Councillor David Martin asked if any Supplementary Planning Documents (SPDs) were envisaged.

The Group Manager for Policy & Environment replied that none were at this point, but that it may become necessary for some of the current ones to be amended.

Councillor Douglas Nicol asked when the Council could review the Core Strategy.

The Group Manager for Policy & Environment replied that it would be the Council's document and so in theory it could review it as it sees fit but it had committed to reviews at 5 year intervals.

Councillor Lisa Brett wished to thank officers for the large amount of work they had done on the Core Strategy to get to this point in time.

The Panel agreed with her comment.

22 COUNCIL'S STATEMENT OF PRINCIPLES (LICENSING POLICY)

The Team Manager for Health & Environment (Licensing and Environmental Protection) gave a brief presentation to the Panel relating to this item. A copy of the presentation is available online and on the Panel's Minute Book, a summary is set out below.

The Statement sets out how the Council delivers the licensing function and promotes the licensing objectives of *prevention of crime and disorder; prevention of harm to children; prevention of public nuisance and promotion of public safety;*

It was last reviewed in 2010 and must be reviewed at least every 5 years.

Impact of public health on reducing alcohol related harm

Recognition that Director of Public Health is now a Responsible Authority

Link to Alcohol Harm Reduction Policy and recognition of how excessive alcohol consumption can lead to poor health and increase burden on local health services

Actively encourage voluntary initiatives to reduce alcohol harm e.g. removal of cheap, super strength beers, ciders and lagers

Actively encourage membership of voluntary groups such as PubWatch/Nightwatch

Recognition of Early Morning Restriction Orders (need to demonstrate serious alcohol related crime in a specific area which is not attributable to a single premises)

Opportunity to celebrate what has already been achieved

Purple Flag accreditation which recognises safety, quality and variety of Bath's night time economy

Role in promoting the local economy

Supporting businesses e.g. pre-application advice

Contributing towards a successful local economy

Creating a cultural diversity to support local communities and reduce anti-social behaviour

Code of practice for licensed premises

Devised a code of best practice so that premises can understand our expectations of good practice

Opportunity to demonstrate a positive approach to the delivery of the licensing function

Crimes linked to NTE

NTE related crime and disorder definition - *Offences of violent crime and criminal damage occurring between the hours of 20:00 and 04:00 taking place outside of the home not otherwise defined as domestic violence or hate crime.*

Crimes linked to the NTE in B&NES (Financial quarters - Q4 07/08 – Q3 12/13): 11,490 crimes (54% Violence against the person, 46% Criminal damage). There has been a 26% reduction in crime across this 5 year period.

Councillor Lisa Brett commented that she was a little disappointed that some recommendations relating to minimum pricing and buy one get one free offers from the Alcohol Harm Scrutiny Inquiry Day (SID) had not been included in the Statement. She added that the new measures of Closure Orders were not mentioned either. She said that she would also like to see the way in which problems / incidents can be reported to be improved.

The Team Manager for Health & Environment (Licensing and Environmental Protection) replied that a self-serve form was now in place on the Council's website to report incidents, officer phone numbers have been published and an article will be within the Autumn issue of Council Connect to highlight this piece of work. She

added that she welcomed any other suggestions as to how to make the public more aware.

She said that with regard to the SID recommendations on promotions and pricing they can only be placed on premises where there is evidence to support such a problem. She added that she had recently discussed the matter of proxy sales with the Clinical Commissioning Group (CCG).

On the issue of Closure Orders she said that she had only recently looked at the guidance and that it was something that may be able to be implemented.

Councillor Douglas Nicol commented that to tackle underage drinking a 'Licence To Drink' should be introduced. He added that he did not feel that the problem of violence at closing time had disappeared and that it had simply moved to later in the evening.

Councillor David Martin said that he would like officers to keep working alongside premises and to use their powers when required. He asked how many reviews of licences were needed each year.

The Team Manager for Health & Environment (Licensing and Environmental Protection) replied that it was around 2 or 3 per year.

The Public Protection Team Leader added that monthly meetings take place with the Police to analyse any complaints. He added that the Council acts with a phased approach to enforcement.

The Team Manager for Health & Environment (Licensing and Environmental Protection) commented that the Code of Practise was to be seen as a way of being positive about being well-run premises. She added that the vast majority are run well.

Councillor Roger Symonds asked if a ratings scheme (0 – 5) linked to the Code of Practise could be introduced.

The Team Manager for Health & Environment (Licensing and Environmental Protection) replied that officers had considered that.

Councillor Lisa Brett said that she advocated that officers continue to support and work with premises. She added that she really would like the wording on minimum pricing to be firmer.

The Public Protection Team Leader read out the wording used by Newcastle City Council.

We know that low cost alcohol sold in on and off trade premises increases alcohol consumption which can lead to crime and disorder issues. The Licensing Authority through this policy would like to encourage the responsible consumption of alcohol and where there is evidence that the licensing objectives are being compromised or are likely to be compromised, the Licensing Authority will consider imposing controls on drinks promotions to deal with localised problems. These controls could include

restricting the sale of super strength beer, lager and cider, or the requirement to charge a minimum cost per drink as part of a package of measures to deal with problems.

There is strong evidence that setting a minimum unit price will have an impact on reducing alcohol consumption. The Licensing Authority would therefore like to encourage all licensed premises to apply a minimum unit price of 50p to all alcohol products sold under their premises licence. Where the premises are found to be selling alcohol below this price and there are problems associated with the premises that are negatively impacting on the licensing objectives, a responsible authority may bring review proceedings. Following the review, the Licensing Committee may decide to impose a condition in relation to the pricing of alcohol in order to uphold the licensing objectives.

Rather than having to resort to controls of this kind, the Licensing Authority would like to encourage a voluntary code of good practice in relation to drinks promotions including pricing, and to encourage licence holders and others working at the premises to familiarise themselves with the mandatory conditions relating to drinks promotions. These conditions prevent drinking games, provision of unlimited or unspecified quantities of alcohol for free or for a fixed or discounted price. Examples of irresponsible drinks promotions are provided in the Good Practice Guide for Licensed Premises.

Councillor Lisa Brett stated that she much preferred this wording and would like officers to consider using it.

The Public Protection Team Leader replied that he would take the request from Councillor Brett under consideration.

Councillor Vic Pritchard stated that he thought that enforcement was principle as he felt that premises were adept at getting around the rules.

The Chair summed up the discussion by saying the Panel were broadly happy with the Statement at the present stage and would possibly be asking Councillor Brett to carry out some individual research into the use of Closure Orders.

The Panel **RESOLVED** to note the report.

23 REVIEW OF THE COUNCIL'S STREET TRADING POLICY AND CONDITIONS

The Team Manager for Health & Environment (Licensing and Environmental Protection) gave a brief presentation to the Panel relating to this item. A copy of the presentation is available online and on the Panel's Minute Book, a summary is set out below.

What's new?

The Policy was last reviewed in 2000.

Statement of purpose: improving local environment, supporting local economy, promoting diversity and greater consumer choice

Buskers: specific pitches for street entertainers who want to sell items

Street markets: active promotion of these to link with economic regeneration priorities

Designs of stalls: aim to improve appearance of stalls and implement a phased approach for renewal of existing stalls

The Team Manager for Health & Environment (Licensing and Environmental Protection) said that stall holders would be given up to three years to get a new stall and that the Council would aid with the initial cost if required.

Councillor Douglas Nicol commented that he felt for the stalls to have uniformity was a good idea. He also welcomed the work outlined for buskers.

Councillor Roger Symonds said that he welcomed the light touch approach and was impressed with the ideas so far. He asked if the Council had any powers over the use of Brunel Square in Southgate.

The Public Protection Officer replied that an agreement was in place for the Council to issue licences to people wishing to use that area. He added that discussions were on-going about holding a regular market in the Southgate Complex.

Councillor Roger Symonds asked if there was a need to charge businesses for the outside use of tables and chairs.

The Team Manager for Health & Environment (Licensing and Environmental Protection) replied that that issue was outside the scope of this consultation.

The Public Protection Team Leader added that Act was so prescriptive that businesses must apply every year. He added that it was a time consuming process and posed whether it was worth considering adopting a local way of working.

The Chair asked if any theme of response from the public had been gathered yet.

The Team Manager for Health & Environment (Licensing and Environmental Protection) replied that officers had not received any adverse responses to the proposals.

The Panel **RESOLVED** to note the report.

24 PANEL WORKPLAN

The Chair introduced this item to the Panel. She said that arising from the meeting today the following items would be placed on the Panel's workplan.

Closure Orders (Future Items)

7.5T HGV Limit in Stowey (January 2014)

East of Bath Park & Ride (Future Items)

Core Strategy Review (Future Items)

The meeting ended at 11.50 am

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services