

BATH AND NORTH EAST SOMERSET

LICENSING COMMITTEE

Wednesday, 11th July, 2018

Present:- Councillors Les Kew (Chair), Rob Appleyard, John Bull, Neil Butters (in place of Caroline Roberts), Anthony Clarke, Deirdre Horstmann and Will Sandry

Also in attendance: Cathryn Brown (Environmental Protection and Licensing Manager), Lynda Deane (Team Manager, Active Lifestyles and Events), Mandy Bradley (Customer Services Officer) and John Dowding (Senior Public Protection Officer)

Guests:

19 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer advised the meeting of the procedure.

20 ELECTION OF VICE-CHAIR (IF DESIRED)

RESOLVED that a Vice-Chair was not required on this occasion.

21 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies were received from Councillors Emma Dixon, Caroline Roberts and Peter Turner. Councillor Neil Butters substituted for Councillor Caroline Roberts.

22 DECLARATIONS OF INTEREST

There were none.

23 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was none.

24 ITEMS FROM THE PUBLIC - TO RECEIVE DEPUTATIONS, STATEMENTS, PETITIONS OR QUESTIONS

Guy Henderson, Manager of Southgate Shopping Centre, made a statement about the Street Trading Review. A copy of his statement is attached as Appendix 1.

Allison Herbert, General Manager, Bath Improvement District, made a statement about the Street Trading Review. A copy of her statement is attached as Appendix 2.

25 MINUTES: 11TH JANUARY 2018

These were approved as a correct record and signed by the Chair.

26 STREET TRADING REVIEW

The Licensing and Environmental Protection Manager gave a PowerPoint presentation on the review of the Council's Street Trading Policy and other street activities, with contributions from the Team Manager – Active Lifestyle and Events and the Customer Services Officer. A copy of the slides is given in Appendix 3.

The review had been used as an opportunity for a broad consideration of activities which, while managed by different services within the Council, are perceived by the public to form part of street trading. These include street trading itself, which is managed by Licensing, street markets, which are managed by the Council's Events Team and promotional pitches, which are managed by Highways. Promotional pitches are not regulated by the Local Government (Miscellaneous Provisions) Act 1982, but are perceived by the public to be part of the street trading scene.

The refreshed Street Trading Policy before the Committee today would be taken forward through the Cabinet and informed by key stakeholders.

There had been six weeks of public consultation in May and June this year. There had been 50 responses to an online survey, which were included with an analysis in Annex C to the report. Key feedback from survey responses related to:

Street Trading

- whether the management of street trading should be outsourced – 69.7% of respondents wanted the Council to continue to manage it
- the look and feel of the stalls
- enforcement, particularly out of office hours (with fewer officers being available at weekends) - as part of the revised policy standard conditions would be tightened up
- rotation of pitches and the length of consent tenure

Promotional Pitches

- clarity about the management of promotional pitches on the highway
- conflict between street trading and promotional pitches
- alignment of application processing with existing processes in Licensing
- further criteria to be developed on criteria for acceptable promotions

Street Markets

One of the ambitions in the Council's Strategic Review is to increase the number of street markets in the City centre and to encourage events that attract different audiences into the City. However, event and street market organisers face significant challenges: if someone wants to hold an event in Milsom Street, for example, they

need to apply to the Events Office, Highways, Parking, Licensing, and Planning, if there is a change of use. There are many separate processes that have to be completed. It is hoped to streamline the application process for event organisers. City-wide planning applications for events and street markets would be developed. At the same time, the number of events and street markets needed to be controlled: Bath is a World Heritage Site, and many visitors came to view and photograph the architecture, and want to be able to do so without obstructions blocking their view. Encouraging events is part of a larger piece of work that needed to be done in co-operation with Planning and Highways and other parts of the Council. It is estimated that it will take a year to develop a co-ordinated approach.

Members made comments and asked questions to which officers responded.

Q: Can you give examples of specific differences between the proposed policy and the existing policy.

A: One proposal is that instead of having street traders scattered around the City there should be a weekly or bi-weekly market, whose operation and look and feel could be managed; market day would be a specific event to attract people into Bath.

Q: The number of responses to the online survey seems low in relation to the number of people affected by street trading.

A: A lot of effort was put into publicity. Obtaining those 50 responses required a great deal of effort by officers; people cannot be forced to respond to consultations. The business representative organisations who responded carried out surveys of their own members, so there was a wider response base than at first appeared.

Q: Individual street stalls add vitality to life in the City. Some of them might be a bit shabby, but this could be dealt with by appropriate conditions and enforcement.

A: A question about whether people preferred individual street stalls or a market was included in the survey. There had been 33 responses, with 54.55% preferring individual street stalls as at present and 45.45% preferring a weekly or twice-weekly market, so there was not a clear mandate for either option.

Q: The exemption from the requirement to obtain a consent to set up a stall, referred to in the last bullet point on page 22, should be clarified; no business should be allowed to gain an unfair advantage.

A: Certain traders are exempt from the provisions of the statutory street trading regime, e.g. butchers, fishmongers and greengrocers, which have traditionally exhibited their wares on stalls in front of their shops.

Q: Up and down the country public space has passed into private hands through retail development. Is there not a danger that an extension of street trading could result in some streets could become effectively 'sterilised' retail areas where many ordinary activities are prevented from taking place?

A: Councils can decide whether or not to adopt Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982. The Schedule was adopted by Bath City Council some years ago. The Council could 'unadopt' it if it wished. The Schedule applies to any street open to the public whether or not it has a pavement anywhere in Bath and North East Somerset.

Q: I am concerned to see a gulf between the views of BID and SouthGate and what is being proposed in the revised policy. This might be a reason for deferring a decision to allow further consultation and consideration. Is there more we can do to work together with them and have we looked at what is done in similar cities, like York?

A: We hope the working group that is to be established will improve communication. BID and SouthGate have staff out and about on the street and do liaise with us about specific issues, and it might be possible to develop this further. We have looked at York, Oxford, Cambridge, Cheltenham, Harrogate and Chester in an attempt to establish best practice. We believe that the revised policy is a reasonable balance between what we might like to do and what we are statutorily obliged to do. There is little scope for blue-skies thinking; the policy has to explain how we will apply the provisions of the legislation. The way in which the policy is enforced may help to narrow the gulf referred to.

Q: Are there sufficient resources for effective enforcement?

A: We need to be more creative about enforcement. There is a need for more in-street monitoring, and this could be done through working with partners. Conditions and design criteria for stalls need to be tightened up. The Council is limited in what it is allowed to do to restrict competition between stalls and shops.

Members strongly supported the introduction of a unified 'one-stop shop' application process for organisers of events and street markets.

The Environmental Protection and Licensing Manager informed the Committee that an update on the Street Trading Policy would be given at its October meeting.

At the conclusion of the discussion it was **RESOLVED** unanimously to approve recommendations 2.1-2.2 and 2.4-2.6:

- 2.1 To note the contents of the report and the progress made with respect to the Street Trading Review;
- 2.2 To note the responses received as a result of the consultation as given in Annex C and as summarised with officer comments in Annex D;
- 2.4 To endorse the development of a city-wide planning application for events which includes markets and therefore related street trading activities;
- 2.5 To endorse the proposal that no further action should be taken with respect to outsourcing the Council's statutory functions under the Local Government (Miscellaneous Provisions) Act 1982 ("The Act") to a third-party organisation;

2.6 To endorse the integration of the management of promotional pitches from Highways into the Licensing Authority to better align with Street Trading management principles and the introduction of a fee to cover the administration of applications for promotional pitches.

It was also **RESOLVED** by 4 votes in favour and 1 vote against with 2 abstentions to approve recommendation 2.3:

2.3 To endorse the adoption of the revised Street Trading Policy provided at Annex E.

27 TAXI POLICY REVIEW: VERBAL BRIEFING

The Environmental Protection and Licensing Manager gave a presentation. A copy of her PowerPoint slides is attached as Appendix 4.

She explained that Taxi policy was being reviewed:

- to align with the proposals for Bath's Clean Air Plan
- to implement a recommendation of the Ofsted Inspection of Children's Services in 2017 that all taxi and private hire drivers undergo some form of child sexual exploitation awareness training, not just those involved in the transport of children
- because the last review was in 2014 and there is a need to ensure that the policy and conditions remain fit for purpose

Applicants for new licences would be required to pass a test on proficiency in speaking English. Some authorities have already introduced such a test. The test would be in accordance with a national standard. There would be no appeal against failure, but applicants would be able to take it again.

It is proposed to adopt sections 165-167 of the Equalities Act 2010, which empower the Council to maintain a list of designated vehicles for wheelchair users and imposes duties on drivers of designated vehicles. The adoption of these sections will require approval by the Licensing Committee.

After a consultation process the policy will be presented to the Licensing Committee in October for comment before going to Cabinet for decision.

RESOLVED to note the update.

The meeting ended at 12.03 pm

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services

Street Trading – Policy Review

Southgate Bath

Good Morning,

I would like to thank the committee for today's opportunity to discuss the current street trading review.

My name is Guy Henderson.
I am the Manager of Southgate Shopping Centre, home to over 60 tenants that employ over a 1000 people..
I also hold a seat on the Board of the BID, that itself has over 650 business members across the city.
And finally, I am a local resident & customer of Bath...I live, work and contribute to the city.

Whilst today is about one policy, I think it will be a miss of us all not to take a step back and consider the broader picture... or responsibility we all share.

"World Heritage City"

If we were to take that status literally ...and not pay lip service... then we could refer to the Vatican City as the ideal model or example.

- Clean presentable streets.
- Safe streets with no ASB...
- Uncluttered walkways, free from obstruction supporting customer flow to all parts of the city.
- Public areas, with benches and planting.
- Thriving retail tenants – a healthy mix of both physical Independent and national brands- essential to the future of any retail offer.
- Exciting promotional pitches that educate or enlighten our knowledge.

A city that we can all be proud of and one that truly shines at every level – allowing all to enjoy!

Of course, in reality we are far from this example, ... and to be honest – what we have, is a far cry from ideal...

Incidentally, these examples surround Southgate – a development that took 14 years of planning – as to ensure it did not become the eyesore the previous centre had become.... Oh dear !!

Yet, we have some outstanding alternatives that are all well run, licensed, presentable, compliant and enhancing...
Celebrating the best of old and new from the local area.. all adding character and atmosphere....to our wonderful city.

Green park
Walcott street
Bath @ twilight
Queens Square Artisan market (example 4)

to name a few....

These could be adapted as viable alternatives to the current on street trading format... supporting all street traders livelihoods.

In turn these markets could operate weekly and tour the BANES area – helping to inject life and much needed footfall into our outlying towns & villages.

The income from these platforms could be then directed to help with public realm enhancements or offer support to services within BANES (CCTV for example)

To continue with the current on street trading format would jeopardise an already struggling high street.

Independent retail, tourism, public's safety are all under significant strain –

I ask the committee - that a broader, more considered view is taken – one that addresses today's retail crisis – for which there are many...

As to ensure Bath stays the destination of choice and supports the retention of our World Heritage status.

The irony we have is:

If we do nothing –

And allow the city to reveal its secrets...
we actually succeed.!! (example 5)

Thank you for your time – any questions?

Example 4 (good)



Example 5 (clear)



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So I would like to start by looking at the facts.

I thought it might be helpful to look at some number comparisons starting with a takeaway food restaurant and a street food stall in Bath.

A full time city centre street trading pitch on Southgate Street will pay a total rent to the council of £9,318 regardless of the type of product.

A restaurant and takeaway in the same part of the city will pay approximately £200,000 per year in rental.

A stall in Southgate street pays no business rates. A food business in Southgate Street pays an average of £84,000 in business rates and an additional £2,000 to the BID to cover the costs of our operations to keep the city attractive and welcoming.

And the hidden costs of the stall include:

The risk of the obstruction, the loss of amenity to neighbouring businesses (I am reliably informed by landlords in the city that tenants are reluctant to take on properties with a stall outside), and in the case of street food leaves an enormous greasy patch for which the cleaning bill is picked up by the council and the BID.

And just to put that cleaning job into perspective, last year the BID paid £12,000 to clean Southgate Street (you have probably noticed that this is more than the revenue from the stall) and in addition the council's cleaners come by 3 times a week and the BID rangers clean about once a week. Even at minimum wage with no oncosts, we are looking at an additional £3,000 per year to keep that street food stall in the city.

I am not at all surprised to read that the stallholders would like to keep the status quo. This fundamentally unfair system has created a subsidy for some businesses whilst others are expected to manage with their expensive windows blocked from view.

And the grease is not going away.

It is my understanding that national legislation dictates that the Council is not allowed to make money from the stalls. However, I also understand that the council has an income target for the stalls. This is a bit difficult to reconcile. The stalls create an income but not a profit so they will never achieve a meaningful revenue stream only a never ending cycle of officers who don't generate quite enough income to have the capacity to enforce the rules.

There must be a better way. At the BID we are already working with 700 businesses and partnership is the beginning and end of what we do.

Let's work together therefore, not just to adjust the current rules, let us have a complete rethink of the system for street trading, one which is equitable, entrepreneurial and which respects the fabric of our unique historic city.

Let us work together to make markets in the city, real markets, a genuine destination which attracts customers when the city is relatively quiet and creates a buzz for all the businesses to benefit from.

Based on the Artisan market model in Queens Square, I have done some calculations as an illustration.

Maximum revenue from the street stalls.
31 stalls @ £9,000 per year
£270,000 in total

Queens Square Artisan Market raises £1,300 once a month for the council simply for the land hire.

In addition, it generates enough revenue from the 40 stalls to pay its staff (who are there to set up, provide equipment and a safe environment etc), promotional work, insurances and bespoke shelters.

£15,600 would be income to the council and the remaining operational costs (officer time etc) would be covered by the stall fees.

If the market was held twice a week, the income would double.

If the market was then circulated around the district, the Council could look at additional revenue and regeneration in the market towns across the area.

Creating a destination for the market in a car park or Queens Square, rather than spreading it out around the city would remove the risk to public safety in an emergency or terrorist incident, would remove the unfair situation where one business is promoted to the detriment of another, would support the stallholders businesses and would enhance the visitor experience.

This is just one option, I am sure there are more, so my closing point is, please let us make this the beginning of an imaginative conversation about how to improve the street trading not the end of the review and the retention of the status quo.

Street Trading, Markets & Promotional Pitches Review 2017/18



Bath & North East Somerset - *The place to live, work and visit*

Review Aims and Outcomes

Aims

- To review the existing Street Trading Policy
- A review of the markets pilot work
- A review of promotional pitches and other promotional activity
- Review of links to strategic ambitions

Outcomes

- A refreshed policy (conditions and guidance) agreed by Licensing Committee and Cabinet and informed by key stakeholders
- Recommendations for future market activity
- A clear approach for promotional pitches (management and allocation)

Review Engagement process

Various Focus Groups:

- Street Trader's Forum
- Local Residents representatives (FOBRA, CARA, TARA)
- Public Realm Steering Group
- Internal Officers Group
- Bath Business Improvement District, Bath Tourism Plus and Southgate Centre Management

Review Engagement process

Consultation survey included contact with:

- internal Council teams
- business organisations,
- statutory bodies,
- town and parish councils
- Cllrs and MP's

Engagement outcomes

- 6 week public consultation (May/June)
- 50 responses received:
 - 77% from BA1/BA2 postcodes, 23% outside of Bath
 - 26% 'other', 20% local residents, 22% street traders, 18% other businesses, 8% ward/parish/town councillor, 6% other members of the public

Main issues from the Review

- Street trading
- Opportunities for markets and events and how these are managed
- Management of Promotional Pitches

Street Trading

- Outsourcing of the management
- The 'look and feel' of the stalls
- Enforcement, particularly outside of office hours
- Rotation of pitches and the length of consent tenure

Promotional pitches

- Clarity about the management of promotional pitches on the public highway
- Conflict between street trading and promotional pitches
- Processing applications can be aligned with existing processes in Licensing
- Further policy to be developed on criteria for acceptable promotions

Opportunities for events and markets

- Concern regarding the protection of the heritage value of the city and the need for planning permission
- Request for 'rest periods' from events
- Positive feedback for markets based around themes e.g. food, to compliment existing businesses

Next steps...

- Street Trading Policy to be ratified at Cabinet
- Working group to be set up to agree 'look and feel' of the stalls
- Criteria to be developed for promotional pitches
- City-wide planning application for events to be commenced

BreATHe

Tackling air pollution in Bath and North East Somerset

Review of taxi policy and conditions

Bath & North East
Somerset Council



The current policy and conditions

- Taxi Policy
- Hackney Carriage Vehicle Conditions
- Private Hire Vehicle Conditions
- Driver's Conditions
- Private Hire Operator Conditions



Why are we reviewing the policy and conditions?

- Need to align with the proposals for Bath's Clean Air Plan
- Need to fulfil recommendation of Ofsted Inspection of Children's Services in 2017
- The last review was in 2014 and there is a need for an update to ensure our policy and conditions remain fit for purpose



Proposal: Vehicle Specification

- Taxis will be included all options of the Clean Air Zone.
- Technical modelling is currently underway which will give us a clearer picture of the types of taxi vehicles which could or could not be charged.



- Ofsted report recommended that all drivers undergo some form of CSE awareness training
- Drivers will need to prove that they have received training for their licence to be renewed
- Proposal is for 1 hour training session to be delivered in-house at minimum cost to drivers
- This is about drivers being supported to take action if they identify a problem

A decorative banner for Somerset Council. It features a green hill background with various icons representing different modes of transport and community facilities. From left to right, the icons are: a white bicycle, a white delivery truck, two small houses, a red car, a white electric vehicle charging station, two white figures walking, a white bus, and a tall, modern building. The text 'Somerset Council' is written in green at the top left of the banner.

Proposal: English speaking test for new applicants

- It is essential for public safety that a driver can communicate clearly with passengers and the Emergency Services in the event of an emergency situation.
- Other LA's have introduced similar tests
- Assessment will be conducted at the taxi licensing office as part of the application process
- Liaise with Independent Equalities Group as part of the public consultation



Proposal: adoption of s165-167 the Equalities Act 2010

- In future the Council will maintain a list of 'designated' vehicles suitable for use by customers using wheelchairs
- Duties are imposed for drivers to provide assistance to such customers e.g. handling luggage into and out of the vehicle
- Provides greater transparency around our commitment to disabled customers
- Requires adoption by the Licensing Committee



Public consultation

- Launching on 16 July 2018 and running until 15 September 2018 (23.59hrs)- 8 weeks
- Launch event being held at Odd Down Sports Ground on 16 July 2018 between 10am-3pm to which all drivers have been invited
- Policy consultation is being discussed at CTE Scrutiny Panel on 16 July 2018
- Bring report back to Licensing Committee in October 2018 for ratification, before referring to Cabinet for decision



Communications

- Dedicated webpage from 16 July 2018 at <http://www.bathnes.gov.uk/breathetaxis>
- Online questionnaire for consultation responses
- All drivers and operators will be sent copies of proposed documents for their information, together with a summary document of changes



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