

Licensing Committee

Date: Wednesday, 8th January, 2020

Time: 10.00 am

Venue: Kaposvar Room - Guildhall, Bath

Councillors: Manda Rigby (Chair), Sarah Bevan, Sue Craig, Sally Davis, Michael Evans, Steve Hedges, Grant Johnson, Sarah Moore, Mark Roper, Karen Warrington and Ryan Wills



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NOTES:

1. **Inspection of Papers:** Papers are available for inspection as follows:

Council's website: <https://democracy.bathnes.gov.uk/ieDocHome.aspx?bcr=1>

Paper copies are available for inspection at the Guildhall - Bath.

2. **Details of decisions taken at this meeting** can be found in the minutes which will be circulated with the agenda for the next meeting. In the meantime, details can be obtained by contacting as above.

3. **Recording at Meetings:-**

The Openness of Local Government Bodies Regulations 2014 now allows filming and recording by anyone attending a meeting. This is not within the Council's control. Some of our meetings are webcast. At the start of the meeting, the Chair will confirm if all or part of the meeting is to be filmed. If you would prefer not to be filmed for the webcast, please make yourself known to the camera operators. We request that those filming/recording meetings avoid filming public seating areas, children, vulnerable people etc; however, the Council cannot guarantee this will happen.

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<https://democracy.bathnes.gov.uk/ecCatDisplay.aspx?sch=doc&cat=12942>

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Licensing Committee - Wednesday, 8th January, 2020

at 10.00 am in the Kaposvar Room - Guildhall, Bath

A G E N D A

1. EMERGENCY EVACUATION PROCEDURE

The Chair will draw attention to the emergency evacuation procedure as set out under Note 5.

2. ELECTION OF VICE-CHAIR (IF DESIRED)

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 CHAIR

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

7. MINUTES: 16TH OCTOBER 2019 (Pages 5 - 8)

To be confirmed as a correct record and signed by the Chair.

8. AMENDMENT TO POLICY ON HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING STANDARDS FOR DRIVERS, VEHICLES AND OPERATORS (Pages 9 - 12)

9. PRESENTATION ON THE MANAGEMENT OF TEMPORARY EVENT NOTICES

The Committee Administrator for this meeting is Sean O'Neill who can be contacted on 01225 395090.

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BATH AND NORTH EAST SOMERSET

LICENSING COMMITTEE

Wednesday, 16th October, 2019

Present:- Councillors Manda Rigby (Chair), Sarah Bevan, Sue Craig, Sally Davis, Michael Evans, Liz Hardman (in place of Grant Johnson), Steve Hedges, Sarah Moore, Karen Warrington and Ryan Wills

Also in attendance: Cathryn Brown (Environmental Protection and Licensing Manager) and Shaine Lewis (Team Leader Resources - Legal Team)

Guests: Geoff Cannon (Avon and Somerset Police)

1 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer read out the procedure.

2 ELECTION OF VICE-CHAIR (IF DESIRED)

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

3 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies were received from Councillors Grant Johnson and Mark Roper. Councillor Liz Hardman substituted for Councillor Johnson.

4 DECLARATIONS OF INTEREST

There were none.

5 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was none.

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

There were none.

7 MINUTES: 17 OCTOBER 2018

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

8 LICENSING ACT 2003: REVIEW OF STATEMENT OF LICENSING POLICY AND REVIEW OF CUMULATIVE IMPACT ASSESSMENT

The Team Manager – Licensing and Environmental Protection presented the report. She introduced Geoff Cannon, Avon and Somerset Police Licensing Officer, who had worked with Council officers to assemble evidence relating to crime and disorder

incidents linked to licensed premises to inform the review of the Cumulative Impact Area.

She explained that the Committee was being invited to recommend to Council a revised Statement of Licensing Policy and revised boundaries for the Cumulative Impact Area. Under the Licensing Act 2003 every Licensing Authority is required to issue a Statement of Licensing Policy and to review it every five years; this was the third iteration of the Statement. The Cumulative Impact Policy, which had first been adopted in 2007 (being also referred to at that time as the Saturation Policy), was also being reviewed. This policy addresses problems arising from the large number of licensed premises in a small area of the City. An application for a new premises licence in the Cumulative Impact Area gives rise to the presumption that the application will be refused, unless the applicant can show that there will be no adverse impact on the licensing objectives. The proposal, based on a review of evidence about crime and disorder linked to licensed premises, was to reduce the size of the Cumulative Impact Area as shown in the map on agenda page 129. She drew attention to the responses received during the public consultation in Appendix 1. Twenty-four responses were received, which was actually ten more than the number received in the previous consultation.

In response to a question from a Member about climate change and the clean air zone the Team Manager – Licensing and Environmental Protection and the Principal Solicitor explained that conditions about climate change could not be standard conditions on premises licences, because the Licensing Act 2003 is very prescriptive about how and what the Licensing Authority can take into account when determining licensing applications and the kinds of condition that can be imposed on a licence. It is also a light-touch approach. The types of licence conditions are: mandatory conditions imposed by legislation, those imposed by the Licensing Authority following a hearing, those proposed by applicants and then incorporated by the Licensing Authority. It is not possible for the Council to have a standard set of conditions for all premises licences, because if no representations are made to an application, then the licence has to be granted as applied for. It is only when an application comes for determination to the Licensing Sub-Committee that the Licensing Authority can impose conditions, which must relate to the four licensing objectives and be appropriate, enforceable and proportionate.

A Member asked about the sale of alcohol to minors including proxy purchases. Mr Cannon replied that the statistics would not justify the inclusion of off-sale premises in the impact zone; alcohol consumed by children was not necessarily bought from licensed premises.

In response to a question from a Member the Principal Solicitor explained that the Council had a duty under GDPR just as individual licensees did. It would not be appropriate for the Council to include guidance on GDPR duties in its guide to applicants as the purpose of the statement of licensing policy is to guide them through the statutory application process.

A Member asked about CCTV. The Principal Solicitor explained that there are separate regulations and guidance from the Information Commissioner's Office about the use of CCTV cameras. Premises that have CCTV have to comply with the regulations; this is not a matter for the Council. Imposing the use of CCTV on licence

holders had been becoming standard practice in recent years across the UK and in 2014 the ICO issued updated guidance suggesting that information on individuals was being captured unnecessarily and disproportionately, and that licensing authorities should only impose conditions about CCTV if this was justified by evidence of crime and disorder.

The Chair suggested that Members should encourage the public to report incidents of crime and disorder and alcohol-related nuisance. This would increase the evidence on which policy making should be based, and could inform reviews of individual premises licences.

A Member asked about the Late Night Levy (paragraph 44 of the draft Statement, agenda page 115). The Team Manager –Licensing and Environmental Protection replied that there were no immediate plans to introduce this, though it was thought desirable to keep the option open.

After the discussion was concluded, the Committee unanimously **RESOLVED:**

1. to note the responses to the public consultation exercise and to accept the officer recommendations in Appendix 1;
2. to recommend the revised Statement of Licensing Policy and Cumulative Impact Assessment area provided in Appendix 2 are presented to Council in November 2019 with a recommendation that they are adopted.

The meeting ended at 10.40 am

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services

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Bath & North East Somerset Council	
MEETING	Licensing Committee
MEETING	8 January 2020
TITLE:	Amendment to Policy on Hackney Carriage and Private Hire Licensing Standards for Drivers, Vehicles and Operators
WARD:	All
AN OPEN PUBLIC ITEM	
List of attachments to this report: None	

1 THE ISSUE

- 1.1 The Council's Policy on Hackney Carriage and Private Hire Licensing Standards for Drivers, Vehicles and Operators ('the Policy') was agreed by Cabinet in December 2018. In light of the proposed Clean Air Zone ('the CAZ') for Bath, which includes charging non-compliant licenced vehicles to enter the CAZ, the Policy required licensed vehicles to be compliant with the terms of the CAZ.
- 1.2 Since the adoption of the Policy, however, concessions and exemptions have been introduced to the proposed CAZ scheme resulting in a need to amend the Policy to ensure it reflects the concession where non-compliant wheelchair accessible licensed vehicles are exempt from charges until 31 December 2022.

2 THE RECOMMENDATION

The Committee is asked to;

- 2.1 Endorse the proposed amendment to the Policy which reflects the concession that wheelchair accessible licensed vehicles are except from charges for entering the CAZ until 31 December 2022.
- 2.2 Recommend that the amended Policy, together with any responses to a further period of consultation with the taxi trade, be referred to Cabinet for ratification thereby ensuring the Policy and the CAZ scheme are in alignment.

3 THE REPORT

- 3.1 In revising the Policy in December 2018, the Council included provisions to ensure that licenced vehicles were compliant with the terms of any future CAZ. The Policy also encourages the use of alternative fuels, such as the use of electric powered vehicles. The aim of this was to ensure that the taxi trade contributed fully towards reducing the levels of nitrogen dioxide levels throughout Bath.
- 3.2 Since the adoption of the Policy, the Council has decided upon its preferred scheme option of a charging Class C CAZ with traffic management.
- 3.3 Further public consultation on this option has taken place with stakeholder groups including the taxi trade and thinking around exemptions and concessions has evolved. There have been specific events where members of the taxi trade have been encouraged to learn more about the scheme and the assistance available. These include:
- The Taxi Forum held on 19 August 2019
 - Events during the public consultation on the Charging Order held between 20 October and 23 November 2019
 - Specific consultation events for the taxi trade held on 18 October and 4 November 2019 respectively

A further short period of consultation with the taxi trade on the proposed amendment to align the Policy and the CAZ scheme will follow and any responses presented to Cabinet for consideration.

- 3.4 As a result of the ongoing development of the Equalities Impact Assessment (EqIA) associated with the CAZ and consultation with the taxi trade and public, a need for a concession for wheelchair accessible taxi vehicles emerged. This is to ensure that vulnerable persons who rely on this method of transport can continue to access facilities and attend medical appointments whilst not being detrimentally impacted by the introduction of the CAZ.
- 3.5 The Full Business Case ('the FBC') for the CAZ is being presented to Cabinet on 16 January 2020 prior to submission to the Joint Air Quality Unit (JAQU) for formal approval. The FBC contains a concession for wheelchair accessible taxi vehicles and there is a need to amend the Policy to accommodate this concession and ensure the Policy and the CAZ are in alignment.

4 STATUTORY CONSIDERATIONS

- 4.1 The Equalities Act 2010 requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people carrying out their activities. The proposed concession relating to wheelchair accessible taxi vehicles supports the EqIA for the CAZ to ensure that vulnerable groups are not detrimentally impacted.

5 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

- 5.1 The public consultation and ongoing engagement regarding the CAZ, has been funded by central government.
- 5.2 There are no financial impacts to the Licensing Service through the introduction of this concession for wheelchair accessible taxi vehicles.

6 RISK MANAGEMENT

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

7 CLIMATE CHANGE

- 7.1 The Council declared a Climate Emergency in March 2019, committing it to providing the leadership necessary to enable Bath and North East Somerset to achieve carbon neutrality by 2030. Research undertaken since March 2019 has recommended three immediate priority areas for action which includes the need for a major shift to mass transport, walking and cycling to reduce transport emissions i.e. implementing policies to enable a 25% cut in car and van mileage per person per year by 2030, coupled with a 76% switch to fully electric cars and 14% to petrol/electric hybrid, leaving just 10% petrol/diesel cars on the road by 2030. Full electrification of passenger rail is also proposed by 2030.
- 7.2 The Policy supports the aim of reducing transport emissions through allowing the use of alternative fuels. Whilst the concession for non-compliant wheelchair accessible vehicles does allow the use of non-compliant vehicles within the CAZ, it is time limited and the number of these vehicles is likely to be very small with any negative impact outweighed by the benefits brought to vulnerable groups who rely on this method of transport.

8 OTHER OPTIONS CONSIDERED

- 8.1 None.

9 CONSULTATION

- 9.1 The Council's Monitoring Officer and Section 151 Officer have had the opportunity to input to this report and have cleared it for publication.

Contact person	<i>Cathryn Brown 01225 477645</i>
Background papers	<i>Bath's Clean Air Plan- Cabinet report March 2019</i> <i>Policy on Hackney Carriage and Private Hire Licensing Standards for Drivers, Vehicles and Operators Policy- Cabinet report December 2018</i> <i>www.bathnes.gov.uk/bathbreathes</i>
Please contact the report author if you need to access this report in an alternative format	

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