

## **BATH AND NORTH EAST SOMERSET**

### **LICENSING COMMITTEE**

Wednesday, 5th February, 2020

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

**Also in attendance:** Cathryn Brown (Team Manager (Licensing and Environmental Protection)), John Dowding (Senior Public Protection Officer), Terrill Wolyn (Senior Public Protection Officer), Claire Maslen (Public Protection Technical Officer (Licensing)), Aled Williams (Environmental Protection Manager), Diarmid Henry (Specialist Officer (Environmental Protection)) and Shaine Lewis (Team Leader Resources - Legal Team)

#### **Guests:**

#### **9 EMERGENCY EVACUATION PROCEDURE**

The Democratic Services Officer advised the meeting of the procedure.

#### **10 ELECTION OF VICE-CHAIR (IF DESIRED)**

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

#### **11 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

Apologies were received from Councillor Sue Craig, for whom Councillor Shelley Bromley substituted.

#### **12 DECLARATIONS OF INTEREST**

There were none.

#### **13 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR**

There was none.

#### **14 ITEMS FROM THE PUBLIC - TO RECEIVE DEPUTATIONS, STATEMENTS, PETITIONS OR QUESTIONS**

There were none.

#### **15 MINUTES: 16TH OCTOBER 2019**

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

#### **16 AMENDMENT TO POLICY ON HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING STANDARDS FOR DRIVERS, VEHICLES AND OPERATORS**

The Team Manager (Licensing and Environmental Protection) presented the report.

She explained that the current Policy on Hackney Carriage and Private Hire Licensing Standards for Drivers, Vehicles and Operators was agreed by Cabinet in December 2018. At the time the policy was prepared it was known that there was likely to be a Clean Air Zone (CAZ) in Bath, and that taxi vehicles would be required to be compliant. The CAZ policy had developed since 2018 with an outline business case and a final business case, which had been approved last month. Concessions and exemptions had been introduced to the policy to mitigate its immediate impact on certain groups, including an exemption from CAZ charges for wheelchair-accessible taxis until 31 December 2020, giving them an additional two years to achieve compliance. The Cabinet had agreed the business case for this in January of this year, prior to its submission to the Joint Air Quality Unit for formal approval, which could be given sometime in February. The Hackney Carriage/Private Hire Licensing Standards needed to be amended to make them consistent with the CAZ policy. There were about 30 wheelchair-accessible taxi vehicles in Bath, of which about 10 were already CAZ-compliant.

Members agreed that the proposed amendment was reasonable and necessary and **RESOLVED:**

1. To endorse the proposed amendment to the Policy which reflects the concession that wheelchair-accessible licenced vehicles are exempt from charge to entering the CAZ until 31 December 2022.
2. To 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 that the Policy and the CAZ scheme are in alignment.

## **17 PRESENTATION ON THE MANAGEMENT OF TEMPORARY EVENT NOTICES AND ENFORCEMENT**

The Senior Public Protection Officer gave a presentation to the Committee. She was assisted by the Public Protection Technical Officer, the Specialist Officer (Environmental Protection) and the Environmental Protection Manager. A copy of the PowerPoint slides is attached to these minutes as Appendix 1.

Officers responded to questions and comments from Members.

The Chair asked about crime, disorder and nuisance caused by people attending an event away from the premises at which the event was held. What could Members do in these cases? The Senior Public Protection Officer replied that it was certainly worth reporting such incidents to the Police and to Environmental Protection. Complaints give a picture of what is happening in the local area. A representation about a repeat of an event could be based on alleged previous mismanagement or a breach of the law, such as selling alcohol to intoxicated persons.

Members thanked officers for the presentation.

## **18 PRESENTATION ON PROPOSED CLIMATE CHANGE ADVICE TO LICENSED**

## **BUSINESSES**

Team Manager (Licensing and Environmental Protection) and the Public Protection Technical Officer gave a presentation to the Committee and responded to comments and questions from Members. A copy of the PowerPoint slides is attached to the minutes as Appendix 2.

A Member wondered whether shops which participated in the refill tap water scheme would be compensated for the cost of the water, or whether they would simply be expected to show community spirit. She suggested that shops near schools would find their water bills increased by supplying water to many school children. The Senior Public Protection Officer pointed out that licensed premises are under a statutory obligation to provide free water to customers. The Team Manager (Licensing and Environmental Protection) said there was no means of compensating participants in the scheme financially. The Environmental Protection Manager said that his experience was that the offer of free tap water by businesses attracted more customers to visit them, therefore helping to offset the costs of doing so.

Members noted that many business premises keep their lights on all nearly all the time, and suggested that they should be advised about other approaches to security with educational information like that used in the 'Close the Door' campaign.

A Member noted that delivery vehicles offer hinder the progress of traffic, thus increasing emissions, and suggested that consideration should be given to encouraging businesses to have deliveries outside of peak hours.

Members thanked officers for the presentation.

The meeting ended at 11.16 am

Chair(person) .....

Date Confirmed and Signed .....

**Prepared by Democratic Services**

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# Permitted Temporary Activities Under Part 5



## Licensing Act 2003

Wednesday 5<sup>th</sup> February

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

Bath & North East  
Somerset Council

### **Licensable Activity under the LA2003**

- » The Sale of Alcohol by retail
- » The Supply of Alcohol to a club
- » Regulated Entertainment
- » The provision of Late Night Refreshment



## **Types of authorisations under the LA2003**

- » Premises Licence
- » Club Premises Certificate
- » Temporary Event Notice

## The four licensing objectives

- » The prevention of crime and disorder
- » The prevention of public nuisance
- » Public Safety
- » The protection of children from harm

## The Licensing Objectives

- » Should be of paramount consideration at all times
- » Are of equal importance
- » Those involved in the licensing process are required to carry out their duties with a view to promoting the licensing objectives

## Pre LA 2003

- » Occasional licences & occasional permits
- » Purpose of Temporary Events stated in the White Paper by Lord McIntosh of Haringey:

“Let me repeat our aim as regards temporary event notices. We are trying to identify those events that are so rare or modest as not to be licensable activities...The “light touch system is to benefit those who do not generally engage in the business of carrying on licensable activities - that is to say those who do not have a personal licence....”

» **What is a TEN and who may submit a TEN**

» A notice; not an application per se

Notice states the specified day(s) licensable activity/activities shall take place, the times such activities shall take place, and the specified premises/part of premises such activities shall be carried on from.

- » Premises user
- » Person aged 18 years or over
- » Not a business or group of individuals
- » Not an associate of the premises user

# System of checks & balances

The scope of the TEN has widened since LA2003 came into force in 2005

	<b>2005</b>	<b>Present Day</b>
Maximum duration of event	96 hours	168 hours
Total Number of notices per premises, per calendar year	12	15
Total aggregate no. of days per calendar year	15	21
Responsible Authorities who may object to a TEN	Police	Police & EH
Grounds for objection	Prevention of Crime and Disorder	Any of the 4 licensing objectives
Objection period	48 hours	3 working days

## Two Types of Notice

- » The Police Reform & Social Responsibility Act 2011
- » Standard TENs
- » Late TENs

# Role of the Licensing Authority

To check permitted limits are not exceeded in respect of:

## Premises user

- » Personal licence holder;
- » Non-personal licence holder;
- » Associate of Premises User

## Premises

- » No more than 15 notices may be served in respect of a specific premises;
- » No more than 21 days may be authorised by way of a TEN in any calendar year
- » There is a minimum of 24 hours between event periods

## Event

- » No more than 499 persons on site at any given time (includes audience, staff and performers)

## Objection to Notices

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Under LA2003 the following Responsible Authorities may object to a TEN:

- » Police and/or
- » Environmental Health



# Role of Environmental Health

EP Team review all TENs received by Licensing.

- » Check premises history
- » And/or assess likelihood of complaint

Options to respond

- » Do nothing
- » Contact applicant informally
- » Seek to modify TEN
- » Monitor event
- » Register objection to TEN



## No agreement reached

- » The objection will stand, and matter will go before the Licensing Sub Committee **within** 7 working days, commencing the first working day **after** the 3 day objection period. The LSC may decide:
- » Not to issue a counter notice - enables event to take place in accordance with the contested TEN;
- » To issue a counter notice because it is appropriate for the promotion of the licensing objectives, thus preventing the licensable activities from taking place;
- » Impose conditions if premises are already licensed by way of a CPC or premises licence.

## Power to Add Conditions

- » Conditions may only be added if:
- » There has been an objection to a standard TEN;
- » The Authority considers it “appropriate for the promotion of the licensing objectives”; and
- » Conditions already exist on a premises licence or club premises certificate in respect of all or part of the premises;

## Objection to Late TEN

- » Where there is an objection to a Late TEN, the Licensing Authority must issue a counter notice at least 24 hours before the event
- » There is no right to hearing in respect of a late TEN
- » Anyone who submits a late TEN therefore runs the risk of the event being vetoed by the Police or EH in which case the event cannot go ahead.

## How can local residents and local Cllrs engage in the process?

- » When an event takes place by virtue of a Temporary Event Notice and the event causes concern e.g. under-age sale at the event, noise emanating from the premises, licensable activities taking place other than in accordance with the notice etc. . . . please ensure that you inform those who are able to make objections under the law, of the problems experienced.
- » When deciding whether to make an objection one of the factors each Responsible Authority will take into account is any history of complaints/problems associated with the premises.

[Environmental\\_Protection@bathnes.gov.uk](mailto:Environmental_Protection@bathnes.gov.uk)

01225 477551

[Geoff.Cannon@avonandsomerset.police.uk](mailto:Geoff.Cannon@avonandsomerset.police.uk)

07889 655 950

01278 645 524



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# Licensing Committee

## **Climate Change: Suggested actions and advice for businesses**

Wednesday 5<sup>th</sup> February



- The following slides provide some ideas on areas which licensed businesses could focus on to support the climate change agenda.
- These ideas have been discussed with the Corporate Sustainability Team and we would value your feedback before confirming them in an advisory document which can be issued to businesses and applicants

## Waste and recycling management

- [UK Plastic Pact](#)  
Tackling the issue of plastic waste through collaboration across the entire supply chain.
- [Communities Plastic Free Pledge – Tool kits](#)  
Encouraging communities to reduce unnecessary single use plastic, remind them of the importance of recycling and help remove plastic and other litter from the environment through community litter picks.
- [Refill tap water scheme](#)  
Introducing refill points on every street. Participating shops and cafés display stickers in their windows and there is an app to locate refill stations.
- [Right Waste, right Place campaign](#)  
Raises awareness of waste Duty of Care legislation to help small and medium sized businesses manage their waste properly.
- [Waste Audits](#)  
Show the types and amounts of waste and associated costs and enable to identify areas for improvement.

## Waste and recycling management

- Cleaning products

Switch to natural alternatives, many of the products commonly used contain harsh chemicals and can become extremely damaging to the environment.

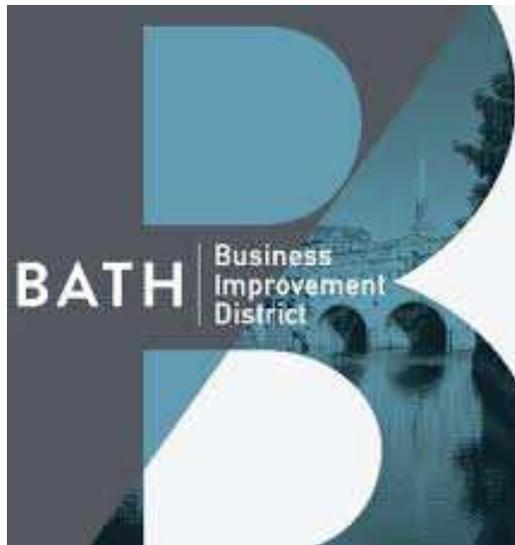
- Degradable plastics

Most types of plastic that are classed as degradable break down into tiny pieces of plastic - the plastic does not disappear - it just becomes smaller and can still potentially be a hazard for the environment. These are the 3 main types:

- Degradable plastic
- Biodegradable
- Compostable



**Where possible its is recommend to use re-usable items instead.**



## **Bath Business Improvement District (BID)**

For businesses based in Bath the Bath BID is an independent, not for profit, business-led initiative working to create the environment for businesses in Bath to succeed. For BID members there are services available to help with savings and waste and recycling.

## Improve energy efficiency:

- [Green Business Grants Fund](#)
- Reduce energy bills;
- Lower maintenance costs and keep equipment for longer;
- Make buildings more comfortable and healthier for staff;
- Avoid emissions that can harm the environment and contribute to climate change.



## Implement a sustainable Travel Plan:

### ▪ **Grants and funding**

Bath and North East Somerset Council is now able to offer match-funding grants for sustainable travel infrastructure improvements such as:

- Cycle stands and shelters
- Business pool bikes
- Accessibility improvements
- Car-sharing parking improvements

For an informal discussion contact Paul Thompson, Business Engagement Manager on 01225 394267 or [Paul\\_Thompson@bathnes.gov.uk](mailto:Paul_Thompson@bathnes.gov.uk).

### **Source local and seasonal food**

- When you can to reduce delivery miles

### **Working partnership with other businesses**

- Reduce deliveries e.g. Fruit and Veg trader in Kingsmead Square supplies to other food businesses in this location

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