

Council

Date: Thursday 22nd May 2025

Time: 6.30 pm

Venue: Council Chamber - Guildhall, Bath

To: All Members of the Council

Dear Member

You are invited to attend a meeting of the **Council** on **Thursday 22nd May 2025** in **Council Chamber - Guildhall, Bath.**

The agenda is set out overleaf.

Yours sincerely



Jo Morrison
Democratic Services Manager
for Chief Executive

Jo Morrison

Democratic Services

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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>

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.

The Council will broadcast the images and sounds live via the internet www.bathnes.gov.uk/webcast. The Council may also use the images/sound recordings on its social media site or share with other organisations, such as broadcasters.

4. **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 Thursdays notice must be received in Democratic Services by 5.00pm the previous Monday.

The Council now has a maximum time limit for this, so any requests to speak cannot be guaranteed if the list is full.

Further details of the scheme can be found at:

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

5. **Emergency Evacuation Procedure**

When the continuous alarm sounds, you must evacuate the building by one of the designated exits and proceed to the named assembly point. The designated exits are signposted. Arrangements are in place for the safe evacuation of disabled people.

6. **Supplementary information for meetings**

Additional information and Protocols and procedures relating to meetings

<https://democracy.bathnes.gov.uk/ecCatDisplay.aspx?sch=doc&cat=13505>

Council - Thursday 22nd May 2025

at 6.30 pm in the Council Chamber - 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. APOLOGIES FOR ABSENCE

3. ELECTION OF CHAIR 2025/26

4. APPOINTMENT OF VICE CHAIR 2025/26

5. MINUTES - 20TH MARCH 2025 (Pages 5 - 18)

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

6. 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 complete the green interest forms circulated to groups in their pre-meetings (which will be announced at the Council Meeting) 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 4.4 Appendix 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.

7. ANNOUNCEMENTS FROM THE CHAIR OF THE COUNCIL OR FROM THE CHIEF EXECUTIVE

These are matters of information for Members of the Council. No decisions will be required arising from the announcements.

8. TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

If there is any urgent business arising since the formal agenda was published, the Chair will announce this and give reasons why it has been agreed for consideration at this meeting. In making this decision, the Chair will, where practicable, have consulted with the Leaders of the Political Groups. Any documentation on urgent business will be

circulated at the meeting, if not made available previously.

9. APPOINTMENT OF COMMITTEES AND PANELS AND OTHER ASSOCIATED ANNUAL BUSINESS (Pages 19 - 100)
10. LICENSING ACT 2023; REVIEW OF STATEMENT OF LICENSING POLICY (Pages 101 - 216)
11. CONSTITUTION; RECOMMENDATIONS FROM THE CONSTITUTION WORKING GROUP (Pages 217 - 294)
12. QUESTIONS, STATEMENTS AND PETITIONS FROM THE PUBLIC

The Democratic Services Manager will announce any submissions received. The Council will be invited to decide what action it wishes to take, if any, on the matters raised in these submissions. As the questions received and the answers given will be circulated in written form there is no requirement for them to be read out at the meeting. The questions and answers will be published with the draft minutes.

13. QUESTIONS, STATEMENTS AND PETITIONS FROM COUNCILLORS

The Democratic Services Manager will announce any submissions received. The Council will be invited to decide what action it wishes to take, if any, on the matters raised in these submissions. As the questions received and the answers given will be circulated in written form there is no requirement for them to be read out at the meeting. The questions and answers will be published with the draft minutes.

The Committee Administrator for this meeting is Jo Morrison who can be contacted on 01225 394358.

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BATH AND NORTH EAST SOMERSET COUNCIL

MINUTES OF COUNCIL MEETING

Thursday 20th March 2025

Present:- **Councillors** Michael Auton, Tim Ball, David Biddleston, Alison Born, Anna Box, Chris Dando, Jess David, Mark Elliott, Fiona Gourley, Kevin Guy, Alan Hale, Ian Halsall, David Harding, Liz Hardman, Gavin Heathcote, Steve Hedges, Saskia Heijltjes, Oli Henman, Joel Hirst, Lucy Hodge, Duncan Hounsell, Shaun Hughes, Dr Eleanor Jackson, George Leach, John Leach, Hal MacFie, Ruth Malloy, Lesley Mansell, Matt McCabe, Paul May, Sarah Moore, Ann Morgan, Michelle O'Doherty, Bharat Pankhania, June Player, Manda Rigby, Dine Romero, Paul Roper, Sam Ross, Onkar Saini, Shaun Stephenson-McGall, George Tomlin, Karen Walker, Warren, Sarah Warren, Tim Warren CBE, Andy Wait and Joanna Wright

Apologies for absence: **Councillors** Alex Beaumont, Colin Blackburn, Deborah Collins, Paul Crossley, Sarah Evans, Grant Johnson, Samantha Kelly, Robin Moss, Toby Simon, Malcolm Treby and David Wood

18 EMERGENCY EVACUATION PROCEDURE

The Chair drew attention to the emergency evacuation procedure, as set out on the agenda.

19 DECLARATIONS OF INTEREST

20 MINUTES - 25TH FEBRUARY 2025

On a motion from Councillor Kevin Guy, seconded by Councillor Chris Dando, it was

RESOLVED that the minutes of the meeting of 25th February 2025 be confirmed as a correct record and signed by the Chair.

21 ANNOUNCEMENTS FROM THE CHAIR OF THE COUNCIL OR FROM THE CHIEF EXECUTIVE

The Chair made the usual housekeeping announcements about phones and microphones.

22 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There were no items of urgent business.

23 QUESTIONS, STATEMENTS AND PETITIONS FROM THE PUBLIC

Statements were made by the following members of the public;

Lee O'Bryan made a statement about the Liveable Neighbourhood programme. He welcomed the decision about the Camden Bus gate and wanted councillors to consider the lessons to be learned from that. He called for consultation and

engagement with the community to be improved, with clear evidence to support proposals. Consideration needed to be wider than ward level with buses managed in a more effective way.

Paul Stansall made a statement about traffic in our communities, calling for a Citizens' Assembly for the Liveable Neighbourhood programme. Councillor Kevin Guy referred to Paul's mention of the poor state of road surfaces, gutters and drains and asked if Paul had made use of the Fix My Street facility or contacted his local Councillors. Paul replied that he had spoken with Councillor John Leach who had been very helpful. A full copy of the statement has been added to the Minute book and the online record.

Patrick Rotheram, Chairman of the Vineyards Residents' Association, made a statement about transport in Bath. Patrick welcomed the cancellation of the Camden Road Bus Gate scheme but called for a comprehensive city-wide traffic movement strategy to provide a framework for the Liveable Neighbourhoods programme. A full copy of the statement has been added to the Minute book and the online record.

Alex Keane, Co-Founder of the STBG [StopTheBusGate] collective consisting of 27 Residents' groups across 4 affected Wards representing 2,000 electorate; a Bath business owner and Walcot resident for the past 22 years, addressed the meeting. Alex set out reasons why they considered the Liveable Neighbourhood programme was not being successfully delivered and called for more transparent information about how decisions are being made. Councillor Kevin Guy, in reference to Alex's statement that hundreds of thousands of pounds would have to be returned to WECA, asked if Alex was aware that this was not the case and that no monies would be handed back to WECA. Alex replied that he had not been aware of that. A full copy of the statement has been added to the Minute book and the online record.

Gareth Eynon made a statement about the Walcot Liveable Neighbourhood scheme which he said did not make sense as it just moved congestion and relocated the pollution. He stated that, without rigorous traffic modelling and robust independent analysis, these proposals were a gamble. Residents deserved better and needed to be able to trust the process.

Adam Reynolds made a statement in support of the Council's road danger reduction measures. He cited statistics for road injuries and deaths and urged Councillors to continue to support the Liveable Neighbourhood Policy to keep through traffic off minor roads and on main roads and thereby encourage safer streets. A full copy of the statement has been added to the Minute book and the online record.

Jackie Head, a member of Bristol Airport Action Network, made a statement in support of the motion to oppose Bristol Airport expansion. Jackie highlighted the climate impact and challenged the economic benefits put forward by the airport. She urged Councillors to support the motion. A full copy of the statement has been added to the Minute book and the online record.

Stephen Clarke, Bristol Airport Action Network, also spoke in support of the motion on the agenda. He set out a number of reasons why expansion should be challenged and urged Councillors to support the motion. A full copy of the statement has been added to the Minute book and the online record.

Louise Leeder, Chair of the Parish Councils Airport Association, also spoke in support of the motion opposing the airport extension. She explained that they had opposed the previous application and supported the appeal. A full copy of the statement has been added to the Minute book and the online record.

Jimena Alamo, president of the University of Bath Student Union, made a statement about the problems with student housing. She provided statistics from 2013 to 2024 demonstrating the significant rise in reported problems and the unacceptable impact that was having on students. Councillor Kevin Guy asked if Jimena would like to meet with the Cabinet Member for Housing, to which she confirmed that she would. A full copy of the statement has been added to the Minute book and the online record

Charlotte Lucas spoke to Council to express deep concerns regarding the Council's new Provider Agreement with Early Years Providers and its potential detrimental impact on children's early education and well-being in BANES. She set out the problems with the agreement and urged the Council to help find an urgent solution. Councillor Tim Warren asked, from the business perspective, whether the new arrangements were workable, to which Charlotte replied that they absolutely were not and explained that the funding received would not meet delivery costs. Councillor Shaun Hughes asked specifically about safeguarding concerns and Charlotte explained her concern with an example about food provision. Councillor Joanna Wright asked about the impact on marginalised groups and Charlotte explained that they would not have funds to pay staff for specialist support for disabled and SEND children. Councillor Kevin Guy asked if Charlotte was aware that this is a Government measure not a Council one, and checked if Charlotte was planning to attend the Early Years Reference Group meeting in the following week. Charlotte confirmed that she was. A full copy of the statement has been added to the Minute book and the online record.

The Chair thanked everyone for their statements which would be referred to the relevant Cabinet member.

24 ANNUAL REPORT OF THE CHARITABLE TRUST BOARD

The Council considered the annual report of the Charitable Trust Board.

On a motion from Councillor Tim Ball, seconded by Councillor Oli Henman, it was unanimously

RESOLVED to note the Annual Report of the Charitable Trust Board for 2023/24.

25 CONSTITUTION: RECOMMENDATIONS FROM THE CONSTITUTION WORKING GROUP

The Council considered a report from its Constitution Working Group recommending some minor revisions.

On a motion from Councillor Shaun Hughes, seconded by Councillor Manda Rigby, it was unanimously

RESOLVED to

1. Agree the amendments to the Council Rules (Section 3.1 of the Constitution) recommended by the Constitution Working Group as set out in Appendix 1 of the report;
2. Agree that any parallel sections in Cabinet rules (Section 3.2 of the Constitution) are also amended.

26 APPOINTMENT OF INTERIM S151 OFFICER

The Council considered a report seeking approval of the appointment of an Interim S151 Officer.

On a motion from Councillor Kevin Guy, seconded by Councillor Shaun Hughes, it was unanimously

RESOLVED to agree the appointment of Interim Section 151 Officer to Mr Jeff Wring from 1 April 2025 to 31 December 2025.

27 ANNOUNCEMENT OF CHAIR & VICE-CHAIR DESIGNATE FOR 2025/26

The Council was invited to identify a Councillor as Chair of the Council (Designate) and Vice Chair (Designate) for the next Council Year beginning in May 2025, to be formally elected at its Annual Meeting in May 2025.

On a motion from Councillor Kevin Guy, seconded by Councillor Dave Biddleston, it was unanimously

RESOLVED that, for forward planning purposes, the Council names Councillor Liz Hardman to be treated as Chair of the Council (Designate) for the 2025/26 Council Year, and Councillor Shaun Stephenson-McGall as Vice Chair (Designate) for 2025/26.

28 MOTION FROM THE LABOUR GROUP - IMPROVING TRANSPARENCY AND COMMUNITY ENGAGEMENT AROUND PLANNING GAIN

Council considered a motion proposed by the Labour Group.

On a motion from Councillor Dave Biddleston, seconded by Councillor Matt McCabe it was unanimously

RESOLVED that

Council notes:

1. Like every other council, BNES has government targets for significantly more homes than it had expected to build. New housing developments will bring a clear increase in 'planning gain' – developer agreements involving funding or in-kind provision – to mitigate the impacts of development on the immediate

surrounding area and its community. This will happen throughout BNES – in Bath, and its surrounding towns and villages, which have many smaller councils (town and parish councils).

2. The Community Infrastructure Levy (CIL) and Section 106 agreements are essential mechanisms for ensuring that developers and developments both *contribute* to local infrastructure and community improvements, and *mitigate* the impact of the development.
3. Transparency is important in how CIL and Section 106 funds are collected, allocated, and spent.
4. The CIL is a tax on certain types of development in the authority area. 'Strategic CIL' is a central fund, allocated to essential strategic infrastructure as identified in our Infrastructure Delivery Plan. 'Neighbourhood CIL' is made up of a proportion of the CIL funds collected from new developments, which is passed to the Town or Parish Council, or the Bath Neighbourhood CIL committee, where the CIL was generated, for that council to address local priorities. If Neighbourhood CIL funds remain unspent after 5 years, they are returned to the strategic pot.
5. Section 106 agreements are specific obligations attached to a planning approval and are negotiated on behalf of the local community by the planning officer. The condition will be fulfilled either by the Council or the developer as part of the permission.
6. Throughout Bath & North East Somerset, the effective and transparent allocation of these funds, with appropriate consultation, is critical to maintaining public trust, as well as to ensuring local communities see developments' tangible benefits.
7. A growing number of councils have therefore adjusted their processes, e.g.:
 - Watford has launched a Neighbourhood Grant Portal which allows local people to apply for Neighbourhood CIL funding to address the impact of new development.
 - Chichester has created an Infrastructure Business Plan to improve tracking of need and delivery of Strategic CIL.
 - Sevenoaks has developed an interactive Neighbourhood CIL dashboard so developers and residents can access information on all allocations, in real time, including the total amount passed to town and parish councils.
8. The Council's Head of Planning has confirmed that the resolutions in this motion are contained within the existing Planning Service budget.

Council Believes:

9. A healthily functioning planning system needs greater accountability, transparency about the mitigation of impact, and funds being allocated in a timely and effective manner – as per the development agreement.

10. Residents, and those working and studying here, have a right to know and understand how locally-generated development contributions are being used to benefit their local areas and to mitigate development impact.
11. Clear and accessible reporting of CIL and Section 106 funds will enhance community confidence in BNES' strategic vision and governance around planning.

Council Resolves to:

12. Review the Council's processes for meaningful engagement with smaller councils and communities, ensuring local voices are heard and their views reflected in infrastructure decision-making.
13. Bring strategic annual CIL reports to full council as part of the budget report every year.
14. Provide regular updates on the progress of current funded projects, ensuring clarity on how funds are currently being used to improve local infrastructure and services.
15. Provide comprehensive training on development gain, community engagement and how to make the best use of the funds, and deliver projects, for BNES councillors as well as BNES Parish and Town Councils.
16. Investigate options to improve reporting and transparency on CIL and Section 106 funding including establishing a publicly accessible online register, detailing:
 - The total value of Section 106 obligations agreed annually.
 - A breakdown of specific projects, timelines, and expenditure to date
 - Any unspent funds, their intended purpose, and deadlines.
17. Undertake a piece of work to look at how Section 106 Agreements are drawn up, with a view to ensuring maximum deliverability.

29 MOTION FROM THE LIBERAL DEMOCRAT GROUP - OPPOSING BRISTOL AIRPORT EXPANSION

Council considered a motion from the Liberal Democrat Group.

On a motion from Councillor Dave Harding, seconded by Councillor Paul May, it was

RESOLVED that

Council:

1. Reaffirms its opposition to the expansion of Bristol Airport as previously expressed in March 2019 as part of the Climate Emergency Declaration and again in July 2022.

2. Notes that communities in Bath and North East Somerset, local campaign organisations and communities in neighbouring authorities also oppose expansion of Bristol Airport.
3. Regrets that Bristol Airport controversially won permission to expand from 10 million to 12 million passengers a year in the face of overwhelming opposition expressed by local communities, organisations and elected politicians, and are now consulting on a further expansion to 15 million passengers a year, of which they estimate that 12 million will reach the airport by private transport, including up to 1000 increased night flights each year, and an extended runway to enable services by larger aircraft types.
4. Notes the government has expressed support for airport expansion (both the Chancellor and Prime Minister have expressed support for a third runway at Heathrow and the Transport Secretary has “set out a path” for the expansion of Gatwick airport) in conflict with the advice given to government by the Climate Change Committee, who have repeatedly cautioned against airport expansion without a framework in place to manage overall national capacity.

Council believes that:

5. Airport expansion is incompatible with the action being taken by West of England Councils to tackle the Climate Emergency, the UK Government’s legally binding climate targets, and advice from the Government’s own Climate Change Committee.
6. The health and wellbeing of B&NES residents will be adversely affected, through increased air, noise and light pollution and through congestion, rogue parking and rat running through our rural villages and narrow country lanes.
7. “Sustainable aviation” is a meaningless phrase, regularly used as greenwash by the airport and fossil fuel industries. Sustainable Aviation Fuel is an unproven technology with no clear feedstocks which would permit deployment at meaningful scale.

Council therefore:

8. Hereby determines to oppose expansion of Bristol Airport in its response as a statutory consultee to any forthcoming planning application.
9. Calls on all locally elected representatives and all candidates for the forthcoming West of England Combined Authority elections to oppose expansion of Bristol Airport.
10. Calls on the government to consider all airport expansion applications on a national basis and to make decisions in line with the advice from the Climate Change Committee, which has said there should be ‘no net expansion of airports’; and taking into account the cumulative impact of CO2 emissions and their impact on the UK’s legally binding journey to net zero.

11. Requests that the Leader write to the Secretary of State, the aviation minister, and local MPs to inform them of Council's position.

[Notes;

1. *The above successful resolution was carried with 44 Councillors voting in favour and 3 Councillors abstaining.]*

30 MOTION FROM THE GREEN GROUP - THE EAST OF BATH DESERVES BETTER: A COMMUNITY-LED LIVEABLE NEIGHBOURHOOD FOR THE EAST OF BATH

The Council considered a motion from the Green group.

It was moved by Councillor Joanna Wright, seconded by Councillor Saskia Heijltjes, and following a vote, it was

NOT CARRIED

Council Notes:

1. Strategic Aims of the Liveable Neighbourhoods Programme, also referred to as Low Traffic Neighbourhoods (LTNs):

LTNs aim to improve air quality, enable more trips by active travel, and reduce congestion. However, these objectives are at risk of being undermined by poorly designed interventions that displace traffic from one set of residential streets onto another. The recent Camden Road bus gate E3418 posed this risk, as it would divert traffic to already congested residential areas like Snow Hill, Fairfield Park, Lambridge, and London Road. These areas already suffer from high levels of traffic, poor air quality, and insufficient active travel infrastructure, making the Camden Road bus gate a threat to the very goals it is supposed to support.

2. Traffic Displacement and Congestion:

The lack of proper traffic modelling and pre-implementation analysis has resulted in unanticipated effects. The Camden Road bus gate E3418 would have caused adverse effects and without proper traffic modelling and pre-implementation analysis, the extent of these risks is opaque and questionable. The Full Business Case (FBC) fails to include essential data such as comprehensive traffic surveys or road safety assessments for affected areas like London Road, Snow Hill, and Fairfield Park. This oversight raises concerns that the council may be rushing to implement a scheme without fully understanding the potential for congestion and displacement across Bath's residential areas.

3. Increased Carbon Emissions and Air Pollution:

In line with the Council's own research, 1 in 4 to 1 in 12 new asthma cases in UK children each year are linked to NO2 pollution from vehicle emissions. Areas like London Road and Snow Hill, which already suffer from air pollution due to heavy traffic, would likely see these conditions worsen if the Camden Road bus gate

was implemented without proper evaluation of the consequences on air quality. The FBC completely overlooks the air quality impact of diverted traffic, particularly around schools, health centres, and residential areas like Fairfield Park. There is no assessment of how displaced traffic will affect pollution hotspots, nor does it address how the scheme could conflict with Bath's Clean Air Zone objectives. This lack of foresight risks undermining the environmental goals of the LTN.

4. Lack of Clear Evidence in the FBC:

The FBC fails to meet the standard of evidence-based decision-making required for such significant interventions. There are no measurable targets, traffic reduction assessments, air quality improvement data, or road safety evaluations in the FBC. This undermines the council's ability to make an informed decision about whether the Camden Road bus gate will truly deliver on its intended benefits. The WECA approval process, which did not require an independent scrutiny of the FBC, raises questions about the lack of accountability and governance in this decision-making process.

5. Absence of a Fully Modeled Traffic Management Plan:

Another flaw was that the Camden Road bus gate proposal E3418 did not provide a comprehensive traffic management plan. The FBC fails to address how the bus gate would interact with the broader traffic flows across Bath, particularly in the residential areas that will bear the brunt of traffic displacement. A properly designed traffic management strategy should include city-wide modelling, taking into account all affected areas, and ensuring that interventions like the bus gate will not cause harm to already vulnerable communities.

6. Financial Risks:

The FBC does not provide transparency around procurement processes, consultancy costs, or the overall strategy behind the funding allocation. As demonstrated in previous projects, without independent cost-benefit analysis, there is a risk of overspending and under-delivering. The scheme's financial justification is not evident, especially considering the public funding involved and the potential for adverse effects on local communities. Public money must be spent responsibly, and the lack of clear financial accountability and evidence for the benefits of this scheme raises serious concerns.

7. Public Consultation and Stakeholder Engagement:

The council has repeatedly failed to engage adequately with affected communities during the consultation process. In the case of Southlands and New Sydney Place Emergency Traffic Regulation Orders (ETROs), residents and businesses raised concerns that were largely ignored. Similarly, the Camden Road bus gate has not been subject to meaningful consultation, particularly with those directly impacted by the displacement of traffic. The failure to engage with residents, businesses, and other stakeholders violates Department for Transport guidelines and calls into question the legitimacy of the consultation process. A transparent, inclusive consultation process is vital to ensuring that the scheme meets the needs of all communities, not just a select few.

Council Acknowledges:

1. The Need for Evidence-Based Decision-Making:

The need for a clear, evidence-based approach to assessing the impacts of the Liveable Neighbourhoods programme. Decisions, particularly regarding modal filters, must be supported by robust data, including comprehensive traffic modelling, air quality assessments, and road safety evaluations.

2. The Need for a Holistic Traffic Management Plan:

The importance of a city-wide traffic management (movement strategy). Any interventions, including the bus gate, must be part of a coordinated plan that considers the broader impacts on traffic flows across Bath.

3. The Potential for Negative Impact on Local Communities:

The potential for disruption in communities such as Fairfield Park, Lambridge, London Road and Snow Hill, where traffic displacement could create new problems. Any measures must demonstrate a clear benefit for these areas, without causing further traffic or pollution.

4. The Importance of Public Safety and Accessibility:

The need for public safety and accessibility in all traffic management decisions. Measures must ensure that residents, businesses, and emergency services can move freely without being delayed or adversely affected by the changes.

Council Resolves:

1. To ask Cabinet to obtain funding to undertake:

A full traffic modelling exercise to assess the potential displacement of traffic and its impact across Bath, particularly in areas such as Fairfield Park, Lambridge, and Lansdown.

- **Independent Cost-Benefit Analysis:** A clear, independent analysis to assess the financial risks and overall value for money of the scheme, ensuring that the anticipated benefits justify the investment.
- **Air Quality Assessment:** A detailed air quality assessment to understand how traffic displacement will affect pollution levels in areas like London Road and the historic core of Bath, and to determine if the scheme will meet its environmental objectives.
- **Community Impact Assessment:** A full community impact assessment, including an equality analysis, to understand the potential social and economic effects on local businesses, vulnerable groups, and residents.

2. To Require a Strategic, Fully Modeled Traffic Management Plan for Bath:

Subject to securing funding, the Council resolves to develop a comprehensive, city-wide traffic management strategy, incorporating detailed traffic flow modelling across Bath. This plan should address the impacts of the bus gate within the broader context of traffic flows and congestion, ensuring that the city's environmental goals are met without disrupting residential areas or the city centre. The strategy should also consider the optimisation of public transport to support these objectives, making Bath a more sustainable and accessible city for all.

3. To Ensure a Thorough Public Consultation Process:

The Council resolves that any future decisions on the bus gate and Liveable Neighbourhoods programme must be subject to a transparent and thorough public consultation process. This process must involve all residents impacted, particularly those in the east of Bath, businesses, and stakeholders to ensure all concerns—particularly about traffic displacement, air quality, public safety and active travel are fully addressed.

[Notes;

- 1. The above motion was lost with 5 Councillors voting in favour, 33 voting against and 6 abstentions.]*

31 QUESTIONS, STATEMENTS AND PETITIONS FROM COUNCILLORS

The Chair made reference to the Q&A document that had been circulated, and is attached to the online record.

32 EXCLUSION OF THE PUBLIC

On a motion from Councillor Kevin Guy, seconded by Councillor Lesley Mansell, it was

RESOLVED

that having been satisfied that the public interest would be better served by not disclosing relevant information, in accordance with the provisions of Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following item of business and the reporting of the meeting be prevented under Section 100A(5A) because of the likely disclosure of exempt information as defined in paragraphs 1 and 2 of Part 1 of Schedule 12A of the Act, as amended.

33 WAIVER OF 6 MONTH COUNCILLOR ATTENDANCE

Section 85 (1) of the Local Government Act 1972 requires a member of a Local Authority to attend at least one meeting of that Authority within a period of six consecutive months, in order to avoid being disqualified as a Councillor. This requirement can be waived and the time limit extended, if any failure to attend was due to a reason approved by the Authority, in advance of the six month period expiring. The Council considered such a request.

On a motion from Councillor Kevin Guy, seconded by Councillor Tim Warren, it was unanimously

RESOLVED

- 1. To note and approve as set out in the report.

The meeting ended at 8.41 pm

Chair

Date Confirmed and Signed

Prepared by Democratic Services

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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Bath & North East Somerset Council	
MEETING:	Council
MEETING DATE:	22nd May 2025
TITLE:	Appointment of Committees and Panels and other Annual Business
WARD:	ALL
AN OPEN PUBLIC ITEM	
<p>List of attachments to this report:</p> <p>Appendix 1 – Terms of Reference of Panels, Committees and other bodies in the Council's Constitution</p> <p>Appendix 2 – Proposed political proportionality table</p> <p>Appendix 3 – Member Advocates – Annual Activity report</p> <p>Appendix 4 – Police and Crime Panel Annual report</p>	

1 THE ISSUE

- 1.1 This report invites the Council to consider its non-executive and regulatory Committee arrangements for the Council Year May 2025 to May 2026 and associated annual business. The Council is also required to formally undertake a statutory review of the political proportionality arrangements (as triggered under section 15 of the Local Government and Housing Act 1989) in respect of bodies that are required to be politically proportionate, following the recent change in political group membership.

2 RECOMMENDATION

Council is asked to:

- 2.1 Approve the structure for non-executive and regulatory decision making and Policy Development & Scrutiny working (set out in Appendix 1);
- 2.2 Accordingly, appoint those bodies with membership, terms of reference and delegated powers as set out in the Constitution, noting the amendment to the Restructuring Implementation Committee Terms of Reference as set out in paragraph 4.2 and amendments to the Health & Wellbeing Board Terms of Reference, as set out in paragraph 4.3;

- 2.3 Approve the allocation of seats on those Committees and Panels (such seats to be filled in accordance with the nominations made by the political groups), as set out in Appendix 2;
- 2.4 Appoint to chair each committee and panel those Councillors as may from time to time be nominated by the political group to whom the chairmanship of the body is allocated;
- 2.5 Authorise the Monitoring Officer to fill any casual vacancies in membership of all the bodies constituted and vacancy in the office of Chair of such bodies in accordance with the wishes of the political groups;
- 2.6 Determine the bodies on which co-opted and independent members are to have seats, as either voting or non-voting members and appoint such members accordingly (Appendix 1);
- 2.7 Confirm the continuing B&NES membership on Avon Fire Authority of Councillors Paul May, Onkar Saini and Robin Moss.
- 2.8 Note the arrangements for the conduct of Cabinet business, as set out in section 5 and any updates announced at the meeting;
- 2.9 Note the urgent executive decisions that have been taken in the last municipal year, as set out in paragraph 5.3
- 2.10 Note the activity of the Member Advocates, as set out in Appendix 3;
- 2.11 Instruct the Monitoring Officer, in consultation with Group Leaders, to make appointments on non-executive outside bodies and note that the Leader or Cabinet Members will do so for executive outside bodies, where such vacancies arise;
- 2.12 Note the Police and Crime Panel's annual report, as appended;
- 2.13 Note the calendar of meeting dates that has been prepared up to May 2026 which is available on the Council's website;
- 2.14 Authorise the Monitoring Officer to make and publicise any amendment to the Council's Constitution required, or take any other necessary action, as a result of decisions taken at this meeting on this and other reports within the agenda, or otherwise as required by law.

3 FINANCIAL IMPLICATIONS

- 3.1 None.

4 APPOINTMENT OF COMMITTEES AND PANELS AND THEIR CHAIRS AND MEMBERS

- 4.1 The Council's Constitution sets out the approved non-executive and regulatory decision-making structure and the Council's overview and scrutiny arrangements (known as Policy Development & Scrutiny). The size, terms of reference and delegated powers of those bodies are set out in the Constitution and attached as Appendix 1 to this report.

- 4.2 Following the vote at February Council, the Restructuring Implementation Committee (RIC) is now a politically proportionate committee. Consensus was expressed that the input of all political Group Leaders was valued, so the RIC Terms of Reference now include non-voting attendance rights for those Group Leaders not part of the voting membership.
- 4.3 The Health & Wellbeing Board, at its meeting on 1st May 2025, amended their Terms of Reference to add in Oxford Health and the Chief Exec of 3SG, plus one academic representative from each of the University of Bath and Bath University.
- 4.4 Since the last Council meeting, a new political group has been established, which has triggered a review of political proportionality. A revised structure is attached at Appendix 2. It shows when a seat is allocated to a particular group, but they have offered it to another group to fill. [This offer can be withdrawn at any time and the seat allocation remains with the political group listed in the table.]
- 4.5 The law gives detailed guidance on the principles to be applied in calculating the allocation of seats on Committees and Sub-committees but the basic principles are:-
- a) not all the seats on the body shall be allocated to one particular party;
 - b) the majority of the seats on the body shall be allocated to a particular political group if the number of persons belonging to that group is a majority of the Authority's membership;
 - c) Subject to paragraphs (a) and (b) above, the number of seats on the ordinary Committees of the Authority which are allocated to a political group shall bear the same proportion to the total of all the seats on the ordinary Committees of that Authority as is borne by the number of members of that group to the membership of that Authority;
 - d) subject to paragraphs (a) to (c) above, the number of seats on the body which are allocated to each political group bears the same proportion to the number of all the seats on that body as is borne by the number of members of that group to the membership of the Authority.
 - e) Notwithstanding (a) to (d) above the Act does not restrict the ability of the Council, or Committees where they are authorised by the Council, to decide on the size and number of seats on Committees and Sub-committees, and to make the actual appointments. A Committee or Sub-committee must, however, comprise at least two voting members.
- 4.6 As it is only the Council that can make appointments to its committees (and only the Council has the power to remove) the Council must, if it wishes to have any substitutes, appoint substitutes to its committees as political groups have no power to appoint, merely to nominate. The appointment of named substitutes (where such substitution is permitted by law and under the Constitution) has the merit of transparency and openness, and, as the Council has agreed that it is highly desirable (and in the case of the Planning Committee mandatory) that political groups should only nominate members as substitutes if they have had relevant training in the work of the committee, this

approach enables training and resources to be better focussed and better discharges its fiduciary duty to ratepayers.

- 4.7 Under regulation 14 of the Local Government (Committees and Political Groups) Regulations 1990 as amended, the appointed proper officer (the Monitoring Officer) has the duty to notify the relevant leaders of the political groups 'as soon as practicable' after the agreed allocation of seats (or after any vacancies subsequently arising) so that such political groups may nominate members from their groups for appointment by the Council to the seats allocated on its committees to their groups.
- 4.8 Should a political group fail to express its wishes in relation to such appointment within three weeks beginning with the date on which the proper officer gave due written notice, the Council has discretion to make such appointment to that seat as they think fit in accordance with regulation 15 of the same regulations. The seats could be left vacant for a period of time.
- 4.9 Section 15 of the Local Government and Housing Act 1989 (the 1989 Act) details how and when appointments to ordinary committees must be allocated, as applying only to those members who are part of a political group. [The Local Government (Committees and Political Groups) Regulations 1990 Regulation 8 defines political groups as two or more members of the authority who wish to be treated as a political group by giving notice to the Proper Officer].
- 4.10 There are currently no 'unaligned' councillors, as all councillors are part of a political group.
- 4.11 The following bodies are not required to be politically proportionate; Area Committees, Health and Wellbeing Board, the Cabinet and any Licensing Committee or Sub-Committee appointed by the Licensing Act 2003.
- 4.12 Political groups have appointed members to the bodies listed in Appendix 1 and as Chairs of the Policy Development and Scrutiny Panels and the regulatory, non-executive committees. Unless otherwise advised by the political groups, these appointments continue for the 4 year term.

5 CABINET WORKING & REPORT OF SPECIAL URGENT DECISIONS

- 5.1 Council is reminded that the arrangements for the discharge of executive (Cabinet) functions are the sole responsibility of the Leader of Council.
- 5.2 The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 require any decisions taken by the Cabinet or single Cabinet Member under special urgency provisions in the previous year to be reported to Council (Constitution rule 3.5.16 refers). This Council has decided that will happen on an annual basis.
- 5.3 There was one such decision taken;

28/11/2024 - [Commercial Planned Maintenance - RULE 3.5.16](#)

Terms for the proposed capital reinvestment into income generating commercial properties within the Milsom Quarter Masterplan area with the purpose of approving capital programme budget from provisional approval to full budget approval.

Decision Maker: Cabinet Member for Resources

Decision published: 28/11/2024

Effective from: 28/11/2024

Decision:

(1) To approve capital spending of £10m into properties within the Milsom Quarter Masterplan area.

(2) To allocate £502K Revenue Budget Contingency (within Corporate Budgets cash limit) to Commercial Estate of £13K 2024/25, further £358K in 2025/26 and £131K in 2026/27.

(3) To delegate all lease decisions to the Head of Commercial Estate in consultation with the Executive Director - Resources (S151), Monitoring Officer and Cabinet Member for Resources.

Lead officer: Carolyn Smallwood

6 MEMBER ADVOCATES

6.1 The Council has appointed a number of Member Advocates to champion the needs of a particular interest;

<https://democracy.bathnes.gov.uk/documents/s86515/Member%20Advocates.pdf>

6.2 The scheme requires a brief annual report to Council about the work the Advocate has done in their role in the preceding year. A summary of these is attached at Appendix 3.

7 APPOINTMENTS ON OUTSIDE BODIES

7.1 Currently, appointments are made by full Council (through delegation to the Monitoring Officer in consultation with Group Leaders) for Council functions, and by the Leader for Cabinet ones.

7.2 B&NES has two representatives on the Avon & Somerset Police and Crime Panel. The Panel's annual report has been submitted for noting.

8 RISK MANAGEMENT

8.1 No risk assessment related to the issue and recommendations has been undertaken as the Council needs to put in place the arrangements contained in this report.

9 EQUALITIES

9.1 Not applicable.

10 ADVICE SOUGHT AND CONSULTATION

10.1 The Council's Chief Executive and Monitoring Officer (Head of Legal and Democratic Services) have had the opportunity to input to this report and have cleared it for publication.

10.2 Group Leaders have been consulted on relevant aspects of this report.

Contact person	Jo Morrison, Democratic Services Manager (ext 4358)
Background papers	The Council's Constitution
Please contact the report author if you need to access this report in an alternative format	

APPENDIX 1 - TERMS OF REFERENCE OF COMMITTEES, PANELS AND BODIES [Extract of Constitution]

2.7 ALICE PARK TRUST SUB-COMMITTEE

2.7.1 Committee Scope

The Sub-Committee shall discharge the Council's functions as sole corporate trustee in respect of the Alice Park Trust, the site and its resources in accordance with Trust's objects and the duties it owes pursuant to the Charities legislation.

To report to the Charitable Trust Board on an annual basis detailing the work undertaken by the Trust in the preceding year and confirming to the Board that the Trust has complied with the objects of the charity and the Charities Legislation.

Appointed by: The Charitable Trust Board

2.7.2 Functions

To discharge the Council's role as Corporate Trustee for the Alice Park Trust, in line with Charities Commission guidance. The objects of the Alice Park Trust are for use as a public park and children's recreation ground.

To agree the Trust's annual budget and business plan.

To approve the use of any reserves.

To agree the Trust's annual accounts.

To receive and respond to the audit findings relating to the annual accounts.

To receive reports on the effective day to day management and financial performance of the Trust.

To allow interested parties to give their view on the performance and direction of the Trust.

2.7.3 Composition

3 Councillors from the membership of the Charitable Trust Board (excluding the lead Cabinet Member) and the 2 Ward Members (voting) for Lambridge plus 2 non-voting independent members.

The Sub-Committee may co-opt other non-voting members as appropriate.

2.7.4 Quorum

3 voting Members.

2.7.5 Substitution

Substitute Members are permitted in line with [Council Procedure Rule 3.1.4](#).

2.8 AUDIT COMMITTEE

[Approved by Council 21.11.24]

2.8.1 Committee Scope

The Audit Committee is responsible for the Council's powers and duties relating to the annual accounts, audit plans, the Annual Governance Statement, risk management arrangements and the other key financial governance procedures.

2.8.2 Functions

1. To approve on behalf of the Council its Annual Accounts, as prepared in accordance with the statutory requirements and guidance.
2. To scrutinise the Treasury Management Strategy and policies, monitor proposed changes and receive treasury management update / outturn reports to monitor compliance.
3. To review and note on behalf of the Council the audited accounts of Council owned companies, in accordance with Council company governance arrangements, statutory requirements and guidance.
4. To monitor the effectiveness of the Council's system of internal control, including arrangements for financial management, ensuring value for money, supporting standards and ethics and managing the authority's exposure to the risks of fraud and corruption. This includes periodically reviewing key financial governance rules / procedures including Financial Regulations, Contract Standing Orders, Anti-Fraud & Corruption Strategy and related policies.
5. To note the External Auditors' Audit Plan and to monitor its delivery and effectiveness during the year, and support effective relationships with the external auditor and other review agencies.
6. To approve the Internal Audit Plan within the budget agreed by the Council and to monitor its delivery and effectiveness (including the implementation of audit recommendations).
7. To consider, prior to signature by the Leader of the Council and Chief Executive, the Annual Governance Statement (including the list of significant issues for action in the ensuing year), as prepared in

accordance with the statutory requirements and guidance; and to monitor progress on the significant issues and actions identified in the Statement.

8. To review periodically the Council's risk management arrangements, make recommendations and monitor progress on improvements.
9. To consider the Auditor's Annual Report from the External Auditor and to monitor progress on accepted recommendations.
10. To monitor and promote good corporate governance within the Council and in its dealings with partner bodies and contractors, including review of the [Council's Code of Corporate Governance](#) and in any such other ways as the Committee may consider expedient (within the budget agreed by the Council).
11. To consider and make recommendations of any other matters relating to corporate governance which are properly referred to the Committee or which come to its attention e.g. the procurement of External Audit Services, monitoring the governance of Council owned companies.
12. To discharge its responsibilities, the Committee and individual members of the Committee can meet privately and separately with the external auditor and / or Chief Audit Executive and have the right to call on any other officer.
13. To make an annual report to Council on the work [and findings] of the Committee, including (if necessary) any measures necessary to improve the effectiveness of the Committee.

In all of the above, the Committee will, as appropriate, wish to develop effective liaison with the following:

- a) the Standards Committee of the Council with regard to matters of ethical governance;
- b) the relevant Policy Development and Scrutiny Panel(s) - to complement but not to duplicate the exercise of their legitimate role in checking compliance with Council processes and policies and in reviewing policies and practice;
- c) relevant Cabinet Members, in particular the Leader and the Cabinet Member with responsibility for Resources, whose portfolios include executive functions related to the matters covered by these terms of reference
- d) the Council when developing the Council's Code of Corporate Governance

2.8.3 Composition

The size of the Panel will be determined by Council. Appointments will be made having regard to rules on political proportionality – as set out in the

[proportionality table](#). There will also be one independent non-voting co-opted member.

2.8.4 Quorum

One quarter of the membership or 3 Councillor/voting Members of the Committee whichever is greater.

2.8.5 Substitution

Substitute Members are permitted in line with [Council Procedure Rule 3.1.4](#).

2.9 AVON PENSION FUND COMMITTEE

[Approved by the Avon Pension Fund Committee 22 March 2024]

2.9.1 Committee Scope

Bath and North East Somerset Council, in its role as administering authority, has executive responsibility for the Avon Pension Fund. The Council delegates its responsibility for administering the Fund to the Avon Pension Fund Committee which is the formal decision-making body for the Fund.

The Avon Pension Fund is a member of the Brunel Pension Partnership (Brunel). Brunel Pension Partnership Ltd (BPP Ltd) will be responsible for implementing the Fund's Investment Strategy. Most of the Fund's assets have transferred to portfolios offered by Brunel with only less liquid legacy assets remaining under direct management of the Fund. Once Avon's assets are held within a Brunel portfolio, the appointment, monitoring and deselection of managers will be the responsibility of BPP Ltd.

2.9.2 Functions and Duties

To discharge the responsibilities of Bath and North East Somerset Council in its role as lead authority for the administration of the Avon Pension Fund. These include determination of all Fund specific policies concerning the administration of the Fund, the investment strategy and the investing of Fund monies and the management of the Fund's solvency level. In addition, the Committee is responsible for all financial and regulatory aspects of the Fund. At all times, the Committee must discharge its responsibility in the best interest of the Avon Pension Fund.

The key duties in discharging this role are:

1. Having taken appropriate advice determining the following:
 - a. the investment strategy and strategic asset allocation

- b. the administration strategy
 - c. the funding strategy.
2. Monitoring the performance of the investment strategy, scheme administration, and external advisors.
 3. Ensuring that the investment strategy can be delivered by the portfolios offered by BPP Ltd. If not, agree alternative arrangements. In relation to Brunel Pension Partnership:
 - a. Monitoring the performance of BPP Ltd in delivering investment services to the Fund. Make representations to the Brunel Oversight Board on matters of concern regarding the service provided by BPP Ltd and the performance of its portfolios.
 - b. Monitoring the governance of Brunel Pension Partnership and making recommendations to the Brunel Oversight Board. Terminating the Service Agreement with BPP Ltd.
 4. Approving and monitoring compliance of statutory statements and policies required under the Local Government Pension Scheme Regulations.
 5. Approving the annual budget and 3-year Service Plan and resource requirements to deliver the work plan.
 6. Approving variances to budget within a financial year.
 7. Approving the annual budget for the Pension Board subject to the approval of Pension Board's work plan.
 8. Commissioning actuarial valuations in accordance with the provisions of the Local Government Pension Scheme Regulations.
 9. Making representations to government and responding to consultations as appropriate concerning any proposed changes to the Local Government Pension Scheme.
 10. Nominating a representative (and named substitute) from the Committee to represent the Committee on the Oversight Board for Brunel Pension Partnership.

2.9.3 Delegations

In discharging its role, the Committee can delegate any of the above or implementation thereof to the Sub-Committee (referred to as the Investment Panel) or Officers. The current delegations are set out below.

2.9.4 Composition

Voting Members (14)	5 elected Members from B&NES (subject to the rules of political proportionality of the Council) 3 independent members
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	1 elected Member nominated from each of Bristol City Council, North Somerset Council and South Gloucestershire Council 1 nominated from the Higher and Further education bodies 1 nominated from the Academy bodies 1 nominated by the trades unions
Non-voting members (3)	1 nominated from the Parish Councils Up to 2 nominated from different Trades Unions

The Council will nominate the Chair and Vice Chair of the Committee. The Vice Chair will be the Chair of Investment Panel.

2.9.5 Meetings

Meetings will be held at least quarterly. Meetings will be held in public, though the public may be excluded from individual items of business in accordance with the usual exemption procedures.

2.9.6 Quorum

The quorum of the Committee shall be 5 voting members who shall include at least 1 Member not from Bath and North East Somerset Council.

2.9.7 Substitution

Named substitutes to the Committee are allowed.

2.10 AVON PENSION FUND INVESTMENT PANEL

2.10.1 Committee Scope

The role of the Avon Pension Fund Committee Investment Panel shall be to consider, in detail matters relating to the investment of the assets within the strategic investment framework and performance of investment managers in achieving the Fund's investment objectives.

2.10.2 Functions

The Investment Panel will:

1. Review strategic and emerging opportunities outside the strategic asset allocation and make recommendations to the Committee.
2. Review the performance of the investment and risk management strategies
3. Report matters of strategic importance to the Committee.

And have delegated authority for:

4. Monitoring the transition of assets to the Brunel portfolios and allocate assets to the relevant portfolio offered by Brunel
5. Approve and monitor tactical positions within strategic allocation ranges.
6. Approve allocations to emerging opportunities within the strategic allocations.
7. Approve commitments to Brunel's private market portfolios at each commitment cycle to maintain strategic allocations.
8. For the Risk Management Strategies monitor the outcome versus strategic objectives and consider whether any strategic changes are required to manage emerging risks.
9. For assets held outside Brunel:
 - a) Implement investment management arrangements in line with strategic policy.
 - b) Monitor investment managers' investment performance and make decision to terminate mandates on performance grounds.
10. Monitor the investment performance of the portfolios managed by BPP Ltd and report to Committee on investment matters with specific reference to strategy delivery.
11. Delegate specific decisions to Officers as appropriate.

2.10.3 Composition

The Panel shall comprise a maximum of 6 voting Members of the Avon Pension Fund Committee, of which 3 shall be Bath and North East Somerset Councillors and 3 shall be the independent members of the Committee. (The membership shall include the Chair of the Committee and /or the Vice- Chair).

Note: The appointment of Bath and North East Somerset Councillors to the Panel is subject to the rules of political proportionality of the Council.

Members shall be appointed to the Panel for a period of four years in line with the Avon Pension Fund Committee.

The Council will nominate the Chair of the Panel.

2.10.4 Panel Meetings

Though called a "Panel", it is an ordinary sub-committee of the Committee. Accordingly, meetings must be held in public, though the public may be excluded from individual items of business in accordance with the usual exemption procedures.

The Panel shall meet at least quarterly ahead of the Committee meeting on dates agreed by Members of the Panel.

2.10.5 Quorum

The quorum of the Panel shall comprise 3 Members, who shall include at least one Member who is not a Bath & North East Somerset Councillor.

2.10.6 Substitution

Substitutes for the Panel must be Members of Committee or their named Committee substitute.

2.10.7 Minutes

Minutes of Panel meetings (whether or not approved by the Panel) shall appear as an item on the next agenda of the meeting of the Committee that follows a meeting of the Panel.

2.11 BRUNEL OVERSIGHT BOARD REPRESENTATIVE

2.11.1 Committee Scope

Brunel Oversight Board (the Board) is the primary governance body within the Brunel Pension Partnership. Each Fund within the partnership has a representative on the Board and this representative represents the Committee when discharging its duties.

2.11.2 Functions

Acting for the administering authorities in their capacity as shareholders in BPP Ltd., the Board has responsibility for ensuring that BPP Ltd delivers the services required to achieve investment pooling across the Brunel Pension Partnership.

Subject to the terms of reference for the Board and the applicable shareholder documentation, the Board's role is to consider and address relevant matters on behalf of the administering authorities. These include the monitoring and strategic oversight functions necessary to its role, as well as acting as a conduit and focus of shareholder requirements and views.

Consistent with this role, the Board's duties include reviewing and discussing any matter which it considers appropriate in relation to BPP Ltd including BPP Ltd.'s services, performance, operations, governance, strategy, financing and management.

The main duties of the Board Representative are:

1. To represent the Committee and Shareholder on the Brunel Oversight Board.
2. To ensure that the Committee's views are communicated to the Board and BPP Ltd.
3. To ensure the Fund's and shareholder's interests are protected within Brunel in line with the legal framework within which Brunel operates.
4. To report back to the Committee and Shareholder all relevant issues discussed by the Board and recommendations to the Brunel Client Group and/or the Shareholders.
5. To seek the consensus view of the Committee for Shareholder and Board matters where necessary.
6. To raise issues with the Board at the request of Committee Members, the shareholder representative or Head of Pensions.

2.12 BRUNEL PENSION PARTNERSHIP WORKING GROUP

2.12.1 Committee Scope

This is a group of Committee Members whose role is to consider in greater detail any issues arising from Brunel Pension Partnership with Officers, for example Reserve Matters, papers to be discussed at BOB. This will not include routine investment matters which are monitored by the Investment Panel.

2.12.2 Functions

With regard to any matters arising from Brunel Pension Partnership where the Avon Pension Fund have an interest:

- a) to consider each matter that will be brought to the Pension Committee and / or Shareholder representative for decisions in due course
- b) to provide guidance to the Pension Committee and / or Shareholder Representative in relation to each matter when they are being considered
- c) to provide guidance to the BOB representative as required
- d) to make recommendations to the Pension Committee regarding general oversight of the pool, as considered appropriate.

2.12.3 Composition

This group will consist of:

- a) the BOB Representative,
- b) named BOB substitute
- c) the Chair and/or Vice Chair if not the BOB representative /substitute
- d) an independent committee member.
- e) Head of Pensions
- f) Group Manager, Funding, Investments and Risk

2.12.4 Quorum

The Working Group shall be quorate if three Members are in attendance, with at least 2 that are not fund officers. The Head of Pensions shall chair the Working Group.

2.12.5 Meeting Arrangements

The Working Group shall meet as and when required as determined by the Head of Pensions. Meetings may be via telephone conference.

Key discussions and action points from the Working Group will be recorded and the committee will be updated at the next committee meeting.

2.13 OFFICER DELEGATIONS AVON PENSION FUND

In addition to the responsibilities listed in the Council's scheme of delegation, some additional responsibilities for functions specifically related to pension fund activities and the authorisation of transactions have been delegated to officers by the Pension Fund Committee. These are set out in the Fund's Scheme of Delegation and include the following:

1. Implementation and day to day monitoring of the administration, investment and funding strategies and related policies.
2. Implementing investments in emerging opportunities within strategic allocations, either to be managed outside Brunel or instruct allocation to Brunel portfolio.
3. Implementing investment management arrangements in line with the strategic policy as follows:

- a. For assets managed outside Brunel, this includes the setting of mandate parameters and the appointment of managers, in consultation with the Investment Panel.
- b. For assets managed within Brunel, deciding and instructing the allocation to each Brunel portfolio.
4. Implement the strategic risk management objectives of the Fund and take necessary action to ensure delivery of strategic outcomes. Ongoing consideration of these issues will be undertaken by the Funding and Risk Management Group (see section 6) who will report decisions and ongoing considerations to the Investment Panel.
5. Rebalancing the investment assets to target strategic allocations, when deemed prudent to do so, taking account of tactical allocations approved by the Investment Panel.
6. Representing the Fund on the Brunel Client Group to develop Brunel investment strategies and policies which effectively support the interests of the Fund.
7. Commissioning Elective Services from BPP Ltd and issuing instructions as permitted by the Brunel Service Agreement to BPP Ltd.
8. The appointment of specialist advisors to support the Committee and Officers in discharging their functions.
9. Determining policies that support the investment and funding strategies having taken expert advice.
10. In consultation with the Chair of the Committee, the Head of Pensions will approve the draft Statement of Accounts and Annual Report for audit.
11. Authorising expenditure from the Fund in accordance with the annual budget.
12. Admitting new admitted bodies into the Fund subject to them meeting Fund policy.
13. The Director – Financial Services, Assurance & Pensions has authority to dismiss investment managers, advisors and 3rd party providers if urgent action is required (does not refer to performance failures but to their inability to fulfil their contractual obligations or a material failing of the company).
14. The Director – Financial Services, Assurance & Pensions has authority to suspend policy (in consultation with the Chairs of Committee and Panel) in times of extreme market volatility where protection of capital is paramount.
15. Under its wider delegated powers, the Director – Financial Services, Assurance & Pensions has delegated authority to effectively manage the liabilities of the Fund including the recovery of debt.
16. Exercising the discretions specified in the Local Government Pension Scheme Regulations in connection with deciding entitlement to pension benefits or the award or distribution thereof.

17. Decisions regarding the Local Impact Portfolio Framework are delegated to The Head of Pensions in conjunction with the working group. The Working Group will consist of at least 3 Panel members including the Chair of the Panel and 1 independent member, plus the Head of Pensions, Group Manager Investments and the Investments Manager. The formal decision is taken by the Head of Pensions as an Officer Decision Report via the democratic reporting processes within Bath and North East Somerset Council.

2.14 FUNDING AND RISK MANAGEMENT GROUP

2.14.1 Committee Scope

The Funding and Risk Management Group (FRMG) is a group of Avon Pension Fund officers and specialist advisors whose role is to consider in greater detail all strategic and operational aspects of the Risk Management Strategies.

2.14.2 Functions

In addition, it has specific delegated authority as follows:

1. Agree the operational structures to meet the strategic objectives determined by the Avon Pension Committee
2. Make changes to the structures as needed to ensure strategic outcomes continue to be achieved or to manage emerging risk
3. Implement the strategies including
 - a. Counterparty selection
 - b. Trigger frameworks
 - c. Collateral arrangements
 - d. Setting benchmarks
4. Determine the framework for monitoring the strategies and reporting to Panel & Committee

2.14.3 Composition

The Group will consist of the following:

From the Avon Pension Fund:

- Head of Pensions
- Group Manager, Funding, Investments and Risk
- Investment Manager

- Senior Investments Officer
- Other Fund Officers as required (for example Funding Manager, Governance & Risk Advisor)
Advisors
- Investment Consultant or deputy
- Risk Consultant or deputy
- Scheme Actuary or deputy
- Investment Manager as required

2.14.4 Quorum

FRMG shall be quorate if the following are in attendance:

- 2 Pension Fund Officers one of which must be the Head of Pensions or Group Manager, Funding, Investments and Risk
- Risk Consultant or deputy
- Investment Consultant or Scheme Actuary

2.14.5 Meeting Arrangements

FRMG will meet as and when required as determined by the Head of Pensions/Group Manager, Funding, Investments and Risk, but at a minimum quarterly. Meetings will be virtual/ by telephone conference.

Meetings will be chaired by the Head of Pensions or Group Manager, Funding, Investments and Risk. Key discussion and action points will be recorded, and minutes will be circulated to the Investment Panel. The group will also update the Panel at the following meeting.

2.15 CHARITABLE TRUST BOARD

2.15.1 Committee Scope

The purpose of the Charitable Trust Board is to facilitate the management of the charitable trusts for which the Council is the sole trustee; independently, in accordance with their governing documents and in the best interests of the charity.

2.15.2 Functions

In respect of the charities listed in Schedule 1 the Charitable Trust Board shall have the following powers delegated to it.

The Role of the Board is to exercise the powers delegated to it for the management of the trust, namely;

- to manage the charity in pursuit of the charitable purposes,
- to manage the finances of the charity and ensure its solvency,
- to ensure the charity acts within the governing documents,
- to ensure the charity deals with their regulatory and public accountability obligations, and
- to identify and manage potential conflicts of interest.

In respect of the charities listed in Schedule 2 the Charitable Trust Board shall investigate the governing documents of each charity and recommend to Council the inclusion of any Charity suitable for incorporation into Schedule 1 and until such time as the Council decides to delegate its functions in respect of such Trust to the Charitable Trust Board it shall advise the Council as trustee on;

- the strategic direction of those Trusts,
- the financial resources needed to operate those Trusts;

The Charitable Trust Board shall, in respect of all Trusts, ensure compliance with the Charity Commission's registration and reporting requirements and periodically consider if Trust's assets could be consolidated and more efficiently /effectively used in conjunction with another Trust. Where appropriate it should consult on consolidation proposals with the Charity Commission and interested parties and make any recommendations for consolidation in its annual report to Council.

Decisions about requests for works to be undertaken, or events to be approved that fall outside of the Charitable Trust Board cycle shall be delegated to the Chair of the Trust Board in consultation with the Lead Officer.

Urgent works required under health and safety legislation shall be delegated to the Lead Officer to action promptly.

The Board shall have the power to create a sub-committee for each charity listed in Schedule 1 to ensure that each charity shall be separately administered. Each sub- committee shall consist of at least 3 Councillors and co-opted voting members consisting of the ward Councillor(s) for the area where any land subject to the Trust is situated and any other non-voting members who may be able to assist it in its work. The Trust Board and each sub-committee shall undertake its duties through meetings as required and will meet at least twice annually.

In any meeting, the affairs of each Trust will be considered separately and in relation to the purpose and governing document of each Trust.

Each sub-committee will report annually to the Trust Board after submitting any annual report to the Charity Commissioners and the Trust Board shall

thereafter provide an annual report to Council on the financial standing of each Trust and update the Council on the work undertaken by each Trust in the preceding year

2.15.3 Composition

- Five Councillors
(to include the Cabinet Member responsible for Neighbourhood Services and at least one Councillor who is not a Member of the controlling group but whose appointment is determined by the controlling group), and
- One independent person with suitable skills, experience or interests to be appointed by the Board from applicants who wish to be considered following advertisement of the role.

The Board will elect a Chair and Vice Chair.

2.15.4 Quorum

Quorum will be three Councillors. Decisions will be by a majority of the Councillors present.

2.15.5 Substitution

Substitute Members are permitted in line with [Council Procedure Rule 3.1.4](#).

2.15.6 Support Arrangements

Support for the Board and sub-committees as necessary will be provided through the relevant Council sections. Lead advisors will be identified for each Charitable Trust in Schedule 1.

Schedule 1 Charitable Trust for which the Council is sole trustee	Schedule 2 Charitable Trusts for which the Council is responsible
The Alice Park Free Fields (Rainbow Woods)	Weston Recreation Ground 4, The Circus Firs Field Beechen Cliff Backstones Innox Park Post Office Museum

2.16 CHILDREN, ADULTS, HEALTH & WELLBEING POLICY DEVELOPMENT AND SCRUTINY PANEL

2.16.1 Committee Scope

To undertake a system of checks and balances to monitor and review the activity of the Cabinet and to assist with policy development in respect of the functions set out below.

2.16.2 Functions

The Panel remit is:

- Health Scrutiny including Healthwatch and Community Safety
- Public Health
- Integrated Commissioning including, Mental Health & Substances, Children, Better Care Fund, Learning disability, Transformation
- Safeguarding Outcomes
- Care Outcomes including Corporate Parenting
- Inclusion (SEND)
- Prevention (CYP)
- Safeguarding Children & Young People
- Safeguarding of Adults & Quality Assurance including Data Protection & Complaints
- Service Development
- Health, Safety & Wellbeing
- Education Transformation including Virtual Schools, School Improvement and Music
- Delegated Committee for the statutory health scrutiny function under the Health & Social Care Act 2012
- Delegated Crime & Disorder Panel
- Delegated Curriculum Complaints Panel

In addition to General Terms of Reference:

Further to the **Police and Justice Act 2006** (and associated regulations), the designated Crime and Disorder Panel in relation to responsible authorities (or co-operating bodies or persons) may:

- a. review the decisions and performance at least once per year
- b. with reasonable notice, require the attendance of an officer or employee to answer questions, and more recently to include the new Police and Crime Commissioner
- c. require a response in writing to reports and recommendations of the Panel within 28 days, or as soon as reasonably possible

Further to the **Local Government and Public Involvement in Health Act 2007** (and associated regulations), the designated Health Scrutiny Committee may:

- a. receive referrals from the Local Healthwatch and acknowledge receipt,
- b. decide which if any of its powers are exercisable in relation to the matter and whether to exercise them (either by Council or by the delegated Committee), and
- c. keep the referrer informed of the Committee's actions and decisions in relation to the matter.

Health Scrutiny - The Health and Social Care Act 2012 requires local authorities with social services responsibilities to have in place arrangements to scrutinise health services. This function is bestowed on the local authority's Full Council but can be delegated however the Full Council sees fit. In Bath & North East Somerset Council, the function is delegated to the Scrutiny Panel with responsibility for health. Councillors on this Panel therefore have a role, as representatives of the public, to hold to account local Health organisations when they are making big decisions about the future of health care provision in Bath & North East Somerset.

Provisions of the Health Scrutiny Regulations

- The council's overview and scrutiny body can scrutinise any NHS Commissioning Board, Clinical Commissioning Group or NHS body that provides services for people in the council's area.
- Local NHS bodies must provide any information the council reasonably requires (excluding information about individuals), and NHS staff can be required to attend and provide information.
- Scrutiny reports can be made to the council and to NHS bodies. If requested, the NHS body must respond within 28 days.
- NHS bodies must consult the designated health scrutiny function of the council about proposals for substantial development or variation of NHS services in the area. Health overview and scrutiny committees and other interested parties can write to request (via a call-in request form) that the Secretary of State consider calling in a proposal if the local authority is not satisfied of the merits for change or if it considers there has been inadequate consultation on the proposals. DHSC expects requests only to be used in exceptional situations where local resolution has not been reached.
- Councils can set up joint health scrutiny committees with one or more other councils. Councils can delegate aspects of this role to another council's overview and scrutiny body. Joint Health Scrutiny Committees also have the power to directly refer a matter to the Secretary of State for Health.
- County councils can co-opt neighbouring authority council members onto their scrutiny committees dealing with health scrutiny, either for an indefinite time or for a particular project.

- Following any health overview & scrutiny topic undertaken, the Committee will make a report with recommendations to NHS bodies and B&NES Council. Such reports will also be copied to key stakeholders including local MPs, Healthwatch, Clinical Commissioning Groups and/or the NHS Commissioning Board.

2.16.3 Composition

The size of the Panel will be determined by Council. Appointments will be made having regard to rules on political proportionality – as set out in the [proportionality table](#).

2.16.4 Quorum

One quarter of the membership or 3 Councillor/voting Members of the Committee whichever is greater.

2.16.5 Substitution

Substitute Members are permitted in line with [Council Procedure Rule 3.1.4](#)

2.17 CLIMATE EMERGENCY AND SUSTAINABILITY POLICY DEVELOPMENT AND SCRUTINY PANEL

2.17.1 Committee Scope

To undertake a system of checks and balances to monitor and review the activity of the Cabinet and to assist with policy development in respect of the functions set out below.

2.17.2 Functions

The Panel remit is:

- Tackling Climate Emergency¹
- Natural Environment & Green Infrastructure
- Planning Policy, including Conservation and Enforcement
- Building Control & Public Protection including Health & Environment
- Housing, including Strategy, Enabling & Development, Standards & Improvement and Homelessness Policy

¹ Whilst this Panel will have primary responsibility for climate change issues, tackling the climate emergency will need consideration by all Panels.

- WECA (Housing & Transport)
- Transport & Parking
- Highways & Traffic
- Neighbourhoods including Environmental Services
- Waste
- Development & Management
- Designated Flood Risk Management Panel

2.17.3 Composition

The size of the Panel will be determined by Council. Appointments will be made having regard to rules on political proportionality – as set out in the [proportionality table](#).

2.17.4 Quorum

One quarter of the membership or 3 Councillor/voting Members of the Committee whichever is greater.

2.17.5 Substitution

Substitute Members are permitted in line with [Council Procedure Rule 3.1.4](#).

2.18 CORPORATE POLICY DEVELOPMENT AND SCRUTINY PANEL

2.18.1 Committee Scope

To undertake a system of checks and balances to monitor and review the activity of the Cabinet and to assist with policy development in respect of the functions set out below.

2.18.2 Functions

The Panel remit is:

- Democratic & Legal Services including Registration and Electoral Services
- Corporate Finance
- Procurement & Commissioning
- Pensions & Financial Administration
- Management Accounts
- Human Resources & Organisation Development
- Strategy, Engagement & Marketing Including Equalities
- Business Support, Programmes & Performance

- Digital & Customer Services
- Commercial Including Audit & Assurance²
- Property Investment including Estates
- Construction Maintenance & FM
- Heritage, including Tourism & Arts
- Growth & Enterprise including Regeneration, Employment & Skills, Business Growth, Bath Enterprise Area
- WECA (Skills & Business)

2.18.3 Composition

The size of the Panel will be determined by Council. Appointments will be made having regard to rules on political proportionality – as set out in the [proportionality table](#).

2.18.4 Quorum

One quarter of the membership or 3 Councillor/voting Members of the Committee whichever is greater.

2.18.5 Substitution

Substitute Members are permitted in line with [Council Procedure Rule 3.1.4](#).

2.19 EMPLOYMENT COMMITTEE

2.19.1 Committee Scope

The committee fulfils a number of functions relating to the Council's role as an employer.

2.19.2 Functions

To exercise all powers and duties of the Council under section 112 of the Local Government Act, 1972 relating to its role as an employer, except those reserved to the Restructuring Implementation Committee.

To hear staff appeals requiring Member level involvement, under accepted national or Council schemes of conditions of service.

To conduct investigatory hearings requiring Member level involvement under accepted national or Council schemes of conditions of service,

² While it is appropriate for scrutiny to pay due regard to the authority's financial position, this will need to happen in the context of the formal audit role which is undertaken by the Council's Corporate Audit Committee

including those relating to disciplinary, capability, grievance and redundancy matters for all staff, including teachers.

To determine on behalf of the Council its powers and duties as an employer relating to pensions.

2.19.3 Composition

The Committee when meeting to consider ordinary business, or as a hearing, will comprise 3 Members having regard to the rules on political proportionality. A chair will be elected at each hearing.

2.19.4 Quorum

3 Members.

2.19.5 Competency

Members shall not sit on the Employment Committee until they have received the necessary training.

2.19.6 Substitution

Substitute Members are permitted in line with [Council Procedure Rule 3.1.4](#) provided they have received the necessary training.

2.20 HEALTH & WELLBEING BOARD

2.20.1 Background

Health and Wellbeing Boards were required to be established in all local authorities under the Health and Social Care Act 2012 as a key mechanism for driving joined up working at a local level.

Health and Wellbeing Boards are committees of the local authority.

The legislative framework for Health and Wellbeing Boards is within the Health and Social Care Act 2012 and the Health and Care Act 2022.

2.20.2 Vision

Together we will address inequalities in Bath and North East Somerset so people have the best start in life, live well and age well in caring, compassionate communities, and in places that make it easier to live physically and emotionally healthy lives

BaNES local authority works with local partners, in partnership with Swindon and Wiltshire as part of the Integrated Care System and with other local

authority partners in the West of England Combined Authority to ensure that those services that are shared across a wider population meet the requirements.

2.20.3 Functions

The Board must undertake the following statutory functions:

- Prepare and publish a Joint Health and Wellbeing Strategy (JHWS) for B&NES, setting the vision for desired population level outcomes, strategic direction and high-level priorities for system partners to operationalise, to meet needs identified in the Joint Strategic Needs Assessment (JSNA), referred to locally as the Strategic Evidence Base.
- Prepare and publish a JSNA (Joint Strategic Evidence Base) of current and future health, care and wellbeing needs of the population and ensure this informs the B&NES JHWS and the B&NES, Swindon and Wiltshire (BSW) Integrated Care Strategy.
- Encourage integrated working between health and social care commissioners, and the use of the Health and Care Act 2022 and the NHS Act 2006 flexibilities to increase joint commissioning, pooled and aligned budgets (where appropriate), to support the effective delivery of the JHWS.
- Work within the Health and Social Care Act 2008 which established the Care Quality Commission as the regulator of all health and adult social care services. It also set out the powers and duties of the regulators, as well as representing the modernisation and integration of health and social care.
- Encourage closer working in planning, commissioning and delivery of services to improve the health and wellbeing of the population of B&NES and reduce health inequalities.
- Prepare and publish a Pharmaceutical Needs Assessment for pharmaceutical services in B&NES.
- Receive and respond to the draft/revised joint forward plan of the BSW Integrated Care Board.
- Be the accountable partnership for the Better Care Fund.

Achieving the vision and fulfilment of the statutory functions will be supported by the following actions. The Board will:

- Be visible and influential, strategic in discussion, championing the improvement of health and wellbeing and reduction in inequalities as important issues. It will influence organisations and partnerships both within and external to the B&NES locality and wider Integrated Care

System in reflecting this in their strategic, operational and commissioning plans.

- Develop strong links with and influence developments in wider services that impact on health and wellbeing including planning, transport, housing, environment, economic development, education and community safety in order to address the wider determinants of health, wellbeing and inequalities, and ensure a focus on mental well-being in conjunction with good physical health.
- Ask partners to show how they embed and deliver meaningful action against the priorities in the Health and Wellbeing Strategy.
- Periodically refresh the Health and Wellbeing Strategy in line with evidence from the Joint Strategic Evidence Base.
- Hold itself to account for implementation of the Health and Wellbeing Strategy, monitoring progress and ensuring action is taken to improve outcomes when monitoring or performance indicators show that plans are not working.
- Ensure there are effective and sufficient mechanisms and resource to communicate, engage on and co-produce Health and Wellbeing Strategy priorities with local people and stakeholders, working closely with the Third Sector.
- Consider the Integrated Care Partnership's Integrated Care Strategy when preparing or revising its Health and Wellbeing Strategy; and be active participants in the development of the Integrated Care Strategy.
- Consider whether the ICB's joint forward plan has given due regard to the Health and Wellbeing Strategy.
- Strengthen its attention on community resilience and on identifying and building on community assets.
- Work closely with the B&NES Healthwatch and Third Sector partners to ensure appropriate engagement, involvement and feedback with residents, patients and service users.
- Listen to issues brought to Board meetings through the public speaking standing agenda item.
- Encourage partners presenting agenda items to share how they have involved local people and service users in their proposals or plans.
- Encourage partners to consider sufficient resourcing, both fiscal and human, of the prevention and inequality agendas.
- Seek to secure collaboration in the system to reduce duplication and make best use of available resources.
- Receive a copy of the ICB's joint capital resource plan outlining planned capital resource use, so to help align local priorities and provide consistency with strategic aims and plans.
- Provide strategic oversight and direction to ensure that the approaches adopted for health and wellbeing services are aligned with the aspirations

of local partners to operate in a sustainable manner and to address the climate emergency.

- Produce an annual report presented to Cabinet/full Council outlining achievements of the Board in respect of the improvement of health and wellbeing, a reduction of health inequalities for the population of B&NES and influencing Council priorities on the wider determinants of health, dependent on resourcing.

Responsibility for the scrutiny of health and wellbeing will continue to lie with the Council's Policy Development and Scrutiny Panels.

2.20.4 Scope

The Board's scope shall be set out within the Joint Health and Wellbeing Strategy.

The Health and Wellbeing Board may consider services beyond health and social care enabling the Board to look more broadly at factors affecting the health and wellbeing of the B&NES population.

2.20.5 Accountability

Those stakeholders with statutory responsibilities will retain responsibility for meeting their individual duties and responsibilities.

The Board will establish on-going and short lived sub-groups as needed that will report to it. Subgroups established will reflect the priorities of the Health and Wellbeing Board such as children and young people, JSNA, updating the Health and Wellbeing Strategy etc.

Accountability for safeguarding lies with the B&NES Community Safety and Safeguarding Partnership (BCSSP).

PROCEDURE

2.20.6 Membership

The Membership of the Board is:

- B&NES Council x 7 (Cabinet Member for Adult Services, Cabinet Member for Children's Services, Chief Executive, Director of Adult Social Care, Director of Children & Education, Director of Public Health and Prevention, Executive Director - Sustainable Communities)
- B&NES Swindon and Wiltshire Integrated Care Board x 2 (ICB Executive Place Director, nominated ICB Officer)
- Healthwatch B&NES x 1

- Avon and Somerset Police x 1
- Avon Fire and Rescue x 1
- Housing provider representative x 1
- Higher and further education representative x 7 to include university research academics
- Health and social care provider and Third Sector representatives x 5 (acute care, community care, primary care, mental health services, and Third sector)
- NHS England x 1

The Board will be chaired by a Cabinet Member nominated by the Leader of the Council and supported by a Vice Chair agreed by the Board.

The Council will provide secretariat support to the Chairperson in setting dates for meetings, preparing agendas, and minuting meetings

In the event of a vote on a substantive matter, the quorum for the meeting will be:

- 3 members of the Council
- 1 member of the Integrated Care Board
- 1 member of Healthwatch B&NES
- 1 health and social care provider or Third Sector representative
- 1 member from either of Avon and Somerset Police or Avon Fire and Rescue
- 1 member from either Higher and Further Education or Housing

Board members may nominate a named substitute from an appropriate member of their organisation or service.

2.20.7 Wider engagement

By working together the Health and Wellbeing Board will proactively embed good public and patient engagement within the day-to-day business of the Board through adhering to the following principles:

- Taking responsibility for good public engagement
- Clarity about purpose
- Harnessing a range of engagement methods
- Engaging with everyone
- Committed to cultural change
- Providing access to information

- In partnership with Healthwatch B&NES and 3SG
- Feeding back engagement results
- Evaluating engagement

The Board will seek to engage all stakeholders (including key health and social care providers) on the JHWS and commissioning plans.

The Council's policy development and scrutiny function offers an opportunity for broader engagement on key issues.

2.20.8 Business management

The Board is a statutory committee of the Council and will be treated as if it were a committee appointed by the Council under section 102 of the Local Government Act 1972.

The Board will act in accordance with the Council's committee procedures.

Formal Board meetings shall be held in public. The Board may resolve to hold closed sessions in accordance with the Access to Information rules.

The Board will develop a work programme framed by the HWS which will guide its work.

The Board will meet at least 5 times per year in public as a minimum, with the flexibility for development sessions and agenda planning meetings held in private.

2.21 INDEPENDENT PERSON PANEL

The Independent Person Panel is an advisory committee appointed by the authority under section 102(4) of the Local Government Act 1972 for the purpose of advising on matters relating to the dismissal of officers designated as the Head of Paid Service, the Chief Finance Officer and the Monitoring Officer (the "Statutory Officers") in accordance with Schedule 3 to the Local Authorities (Standing orders) (England) Regulations 2001 as amended.

The Independent Panel will:

- a) hear, consider, ask questions and comment in respect of Statutory Officer discipline that could lead to dismissal; and
- b) make a report and recommendation to Full Council in accordance with the Council's policies and Employment

Procedure Rules

The quorum is 2 Independent Persons (minimum).

The panel will operate in accordance with the following procedure rules:

- a) The Employment Procedure Rules and Council Procedure Rules will apply to this Panel.
- b) The Independent Person Panel may meet concurrently with the Restructuring Implementation Committee where a hearing or meeting could result in a recommendation to Council for dismissal of a Statutory Officer; or meet separately.
- c) All of the Council's Independent Persons appointed pursuant to section 28 (7) Localism Act 2011 shall be invited to attend and, if at the relevant time there are fewer than two such persons who are able to attend, then the Independent Persons appointed by another neighbouring Council shall be invited to attend.
- d) The Panel shall be appointed from those Independent Persons who have accepted an invitation to be considered for appointment in the following priority order:
 - An Independent Person who has been appointed by the Council and who is a local government elector in the Council's area;
 - Any other Independent Person who has been appointed by the Council;
 - An Independent Person who has been appointed by another local authority or local authorities.
- e) Independent Persons must have undertaken appropriate training.
- f) The Panel shall have access to external legal and professional advice as necessary, via the Monitoring Officer.

2.22 INDEPENDENT REMUNERATION PANEL

2.22.1 Preamble:

The Members' Allowances Independent Remuneration Panel is established in accordance with the Local Authorities (Members' Allowances) (England) Regulations 2003. This requires local authorities to establish and maintain an independent remuneration panel which will broadly have the functions of providing the local authority with recommendations on its remuneration scheme and the amounts to be paid.

2.22.2 Objects:

- 1) To make recommendations to the Council on the appropriate form and level of remunerations (as required) for
 - all Councillors (i.e. the basic allowance);
 - special responsibility allowances;
 - childcare and dependent carer's allowances for Councillors;
 - travel and subsistence allowances;
 - conference and meetings allowances.
- 2) In providing such advice, the Panel will have regard to:
 - the roles which Councillors are expected to fulfil and the differing roles and responsibilities of particular Councillors;
 - the current method of local administration;
 - practice amongst other local authorities in the UK;
 - the current statutory framework for the remuneration of Councillors and the scope which the Council has to establish and vary its own arrangements, and any commentary on that (from the Audit Commission, Local Government Association, Local Government Management Board and other interested parties).
 - the previous recommendations and decisions taken by the Council in respect of the last review.
- 3) To make recommendations to the Avon Pension Fund (if requested) on the level of remuneration of the Chair and Members.
- 4) To make recommendations to the Council (if requested) on any other issues.
- 5) To make recommendations to any parish council (if requested) on allowances schemes.

2.22.3 Frequency of Meetings

The Panel will meet as and when necessary, to meet the obligations set out above.

2.22.5 Membership and chairing

The Panel will comprise 4 independent members and the Chair of the Panel will be appointed by the Panel.

2.22.6 Remit of the Panel

The Panel is an independent body and should not be seen to be influenced by the Council. All Members will be expected to assist the Panel with their deliberations. In recognition of the work the Panel will be required to undertake, administrative support will be provided by the Head - Legal and Democratic Services.

Information provide to the Panel will be dealt with on a confidential basis unless otherwise agreed and the Panel will ensure their confidentiality is maintained.

2.22.7 Terms of Office

- 6) The members of the Panel agree to comply with the Bath & North East Somerset Code of Conduct for Members.
- 7) The Council will have the right to remove particular members from the Panel in special circumstances such as:
 - a) Becoming disqualified from serving on the Panel for any of the reasons set out in the person specification
 - b) Persistent non-attendance
 - c) Breach of confidentiality
 - d) Any conduct that brings the Panel into disrepute and/or prejudices its impartiality or its effective operation.

2.22.8 Indemnity

- 8) The members of the Panel will be indemnified by the Council for their work on the Panel.

2.23 LICENSING COMMITTEE

2.23.1 Committee Scope

The Licensing Committee is a statutory committee of the Council appointed to discharge the local authority's licensing functions, except the approval of

licensing policies, the setting up of the Committee and the resolution not to issue casino licences.

Licensing policies shall be the responsibility of the Cabinet Member with responsibility for Community Services except where there is a statutory requirement for Full Council to determine policies.

The setting up of a Licensing Committee shall be the responsibility of Full Council and its members shall operate in accordance with the [Good Practice guide](#) approved by Council.

2.23.2 Functions

- 1) At the request of the Council, to review the Council's licensing policies at any time within the statutory period under the Licensing Act 2003 and Gambling Act 2005 and to make recommendations to the Council for change, after the prescribed consultation has been completed.
- 2) To carry out all of the Council's licensing functions as covered in the Licensing Act 2003 and the Gambling Act 2005, excluding the making of licensing policies, the setting up of a Licensing Committee and the resolution not to issue casino licences (these being functions of the Council).
- 3) To determine individual licence applications which fall outside Officer delegations, or which are referred by Officers for Member attention, in relation to the issue and renewal of all registrations, licences, permits, consents etc. in relation to the enactments listed below and all such enactments as may fall within the remit of the Committee.
- 4) To determine appeals against decisions made by the Proper Officer under the Marriages and Civil Partnerships (Approved Premises) Regulations 2005.
- 5) To establish one or more Sub-Committees and, subject to statutorily prescribed exceptions, to delegate any of its functions to such Sub Committee(s).
- 6) Subject to statutorily prescribed exceptions, to delegate any of its functions to an Officer of the authority.

2.23.3 Composition

The size of the Committee will be determined by Council. Appointments will be made having regard to rules on political proportionality – as set out in the [proportionality table](#).

2.23.4 Quorum

One quarter of the membership or 3 Councillor/voting Members of the Committee whichever is greater.

2.23.5 Competency

Members of the Licensing Committee shall not sit on the Licensing Committee until they have attended training.

2.23.6 Substitutions

Substitute Members are permitted in line with [Council Procedure Rules](#) and having received licensing training.

2.24 LICENSING SUB-COMMITTEE

2.24.1 Committee Scope

This Licensing Sub-Committee shall hear and determine all licence applications as set out in the Bath and North East Somerset Council [Statement of Licensing Policy](#)

2.24.2 Functions

The Licensing Sub Committee has appointed by the Licensing Committee to discharge the Council's licensing functions.

2.24.3 Composition

Licensing Sub-Committee shall consist of 3 Members in accordance with political proportionality.

2.24.4 Quorum

The quorum shall be three.

2.24.5 Substitutions

Substitutes for the Licensing Sub Committee will be drawn from the membership of the Licensing Committee. Any Member of the Licensing Committee substituting at a Licensing Sub-Committee meeting will do so in accordance with the wishes of the political group arranging the substitution.

A substitute will substitute for the entirety of the meeting.

2.25 PARISH LIAISON MEETING

2.25.1 Committee Scope

Parish Liaison is a partnership meeting between Bath & North East Somerset Council and the parishes within its district to facilitate the way in which they work together to serve the people of Bath and North East Somerset.

The [Parish Charter](#) is the framework within which the Parish Liaison meetings operate and support the implementation of the Charter's key principles of:

- Respecting and valuing each other
- Strengthening relationships
- Providing practical support
- Making the best of our skills and resources

2.25.2 Functions

The Parish Liaison meeting does not have any decision-making powers but can advise and make representations to Bath & North East Somerset Council.

2.25.3 Composition

Membership of the Parish Liaison meeting is limited to elected representatives of Bath & North East Somerset Council and representatives of the parishes within the district.

Bath & North East Somerset Council will appoint representatives to the Parish Liaison meetings in such numbers as it decides.

The parishes will each be entitled to send their nominated representative (usually the Chair of the Council) and their Clerk to the meetings. Additional parish representatives may attend subject to notification to Democratic Services prior to the meeting and the subsequent approval of the Chair of the meeting.

The Avon Local Councils Association for Bath and North East Somerset will be entitled to send representation to the meetings in their own right.

Officers of Bath & North East Somerset Council will attend meetings as necessary to advise and assist discussion.

2.25.4 Meetings

There will normally be three meetings per year, held in open session.

Meetings will usually be held in the evening for no longer than three hours.

There is an option for one of these meetings to be 'conference style' for networking and to provide training; updates; briefing and presentations on good practice from parishes. Where appropriate these will also be provided at other meetings in the cycle.

The meetings will be chaired by an agreed, elected representative of Bath & North East Somerset Council. The meeting Chair shall act independently and work on behalf of the Parish Liaison meeting for the wider benefit.

The Parish Liaison meeting is not a statutory meeting of the Council.

The general public may attend Parish Liaison meetings as observers but have no automatic right to speak or make statements. The Chair may exercise their discretion if a member of the public has given notice prior to the meeting date that they wish to raise an item of general interest and relevance to the membership.

Agendas and papers for meetings will be circulated a minimum of seven calendar days before a meeting. A record of each meeting will be taken.

2.25.5 Conduct at Meetings

The Parish Liaison meeting recognises that the Council and parishes have a common purpose to promote the wellbeing of Bath and North East Somerset; and serve the same residents. While the meeting relies on open discussions there is a need to respect and value each other's views and opinions.

Attendees will:

- Engage positively in discussions
- Working together on finding solutions
- Sharing good practice
- Help strengthen relationships

All those attending Parish Liaison meetings shall be accorded the same degree of respect, dignity and consideration by all other attendees, irrespective of people's protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex and sexual orientation and with regard to equalities legislation.

2.25.6 Agenda Setting

Parish Liaison will convene a sub-group for the purpose of setting the agendas for Parish Liaison as well as monitoring the Parish Charter. The sub-group will consist of representatives from the Council, parishes and Avon Local Councils' Association for Bath and North East Somerset.

Agenda items of relevance for discussion at Parish Liaison meetings will be those:

- That are strategic or legislative issues
- That have direct impact on all, or a significant number of parishes
- That support an effective working partnership between tiers of local government
- That relate to the Parish Charter
- Where a collective view from parishes would be helpful

Items that are not relevant for Parish Liaison will be those:

- That relate to a single, or small number of parishes, other than important items raised by a single parish or a small number of parishes that are agreed by the Parish Liaison agenda setting group which will be included on the agenda
- For which other, effective channels of communication exist
- That are day to day operational issues
- That need to be addressed immediately

The agenda items will take account of other local Forums' interests in discussions on topics and will avoid duplication where possible. Further information on protocols can be found in the Parish Toolkit.

The infrequency of Parish Liaison meetings means that it is not a practical forum through which to engage in routine enquiries and those that require immediate action.

2.25.7 Review

The Terms of Reference will be reviewed annually, and any agreed changes will be ratified at the Annual General Meetings of Bath & North East

Somerset Council and Avon Local Councils' Association for Bath and North East Somerset, usually held in May.

2.25.8 Definition of terms

For the purposes of these Terms of Reference, the term 'parishes' relates to Town, Parish and Village Councils and Parish meetings.

2.26 PLANNING COMMITTEE

2.26.1 Committee Scope

The Committee will exercise the Council's functions as Local Planning Authority. The Committee will also discharge the Council's powers and duties in respect of public rights of way and commons registration. All of the Committee's decisions are subject to the applicable schemes of delegation, depending on the specific decision being taken. In addition, decisions of the Committee on planning matters are subject to the limit on delegations of functions as described below. With regard to planning decisions, the Committee will act in accordance with the planning policy framework for B&NES which includes National Planning Policy Guidance, the National Planning Policy Framework and in accordance with the [Council's Planning Code of Conduct](#).

2.26.2 Functions

The Committee has delegated authority to exercise the Council's functions as Local Planning Authority.

The Committee has delegated authority to exercise the Council's powers and duties in respect of public rights of way and commons registration.

The Committee has delegated authority to establish working practices and protocols for operation on a District-wide basis.

The Committee has delegated authority to exercise all the Council's powers and duties in respect of:

- (1) Modification Orders, Reclassification Orders and Public Path Orders where the matters are contentious.
- (2) Commons Registration (including Town and Village Greens) where the matters are contentious.

Note 1 – *The Assistant Director Highways and Transport and Team Manager - Highway Maintenance and Drainage have been delegated general as well as specific responsibility in respect of these functions.*

Note 2 – *For these purposes, ‘contentious’ is defined as an application which receives more than 12 objections or an application which has received an objection from either the affected parish/town council or one of the affected ward Members.*

Limitation on delegation of functions

The exercise of this delegated authority is subject to the Director with overall responsibility for planning, or the Head of Planning (or any of the other Managers specifically listed in the Planning Scheme of Delegation when standing in for the Head of Planning) being authorised, in exceptional circumstances, to refer any decision or determination of the Planning Committee which is clearly contrary to law or locally or nationally adopted planning policy and against officer advice, to a subsequent meeting of the Planning Committee. When such a decision or determination is referred, it shall be of no effect until the Committee has fully reconsidered the matter in the light of all the information originally before the Committee plus such additional information and advice as the Director or the Head of Planning (as the case may be) considers necessary. Further to such reconsideration, the Committee shall be entitled to make such decision or determination as it sees fit.

The [Planning scheme of delegation](#)

2.26.3 Composition

The size of the Committee will be determined by Council. Appointments will be made having regard to rules on political proportionality – as set out in the [proportionality table](#).

2.26.4 Quorum

One quarter of the membership or 3 Councillor/voting Members of the Committee whichever is greater.

2.26.5 Competency

Members of the Committee shall not sit on the Committee until they have attended training.

2.26.5 Substitution

Substitutions will be permitted at meetings of the Committee from among other Members of the Council having attended training.

A substitute will substitute for the entirety of the meeting.

2.26.6 Support arrangements

In exercising the above powers and duties, the Committee may also:

- establish such sub committees and working parties as are considered helpful in exercising the above functions.
- delegate any of its functions to a sub-committee and to delegate any of its non-policy making functions to Officers (see delegation scheme).
- To monitor service delivery and service trends and to make recommendations.
- To be a body of influence across its geographical area of responsibility and with the community in its area.
- To engage in consultation with the community and specifically with other bodies which have an interest in the span of responsibility of this Committee.
- To participate with others in joint initiatives on planning.

2.27 RE-STRUCTURING IMPLEMENTATION COMMITTEE

2.27.1 Committee Scope

To determine all necessary arrangements for implementing the indicative senior management structure.

2.27.2 Functions

To decide on numbers of 1st and 2nd Tier officers and the span of work responsibility allocations for those officers.

To determine appointments to or dismissal from the posts of Director and other JNC Officers reporting to the Chief Executive, or Head of Paid Service, subject to there being no objection to the appointment / dismissal being lodged by the Leader of the Council.

To recommend to the Council the appointment or dismissal of the Head of Paid Service, the Monitoring Officer and the Chief Financial Officer in accordance with the Statutory Officers Disciplinary process including the

power to suspend a statutory officer and appoint external advisors as appropriate.

To take any disciplinary action short of dismissal in respect of a Statutory Officer in accordance with the Statutory Officers disciplinary process.

Approving any special severance cases for any employee above £20,000 up to a maximum of £100,000. Approving all voluntary redundancy and flexible retirement cases for any employee that are in excess of £100,000 on total costs including redundancy, pay in lieu of notice, holiday pay and pension costs.

Compulsory redundancy cases in excess of £100,000 do not require approval of the RIC, but a note will be shared at the next available meeting for information or communicated to RIC Members if no meeting is scheduled.

2.27.3 Composition

The size of the Committee will be determined by Council. Appointments will be made having regard to rules on political proportionality – as set out in the [proportionality table](#).

Non-voting attendance rights are in place for those Group Leaders not part of the voting membership.

2.28 STANDARDS COMMITTEE

2.28.1 Committee Scope

Promote and maintain high standards of conduct by Councillors; Parish Councillors; co-opted members and church and parent governor representatives.

Oversee the effectiveness of the Council's Constitutional arrangements from an ethical perspective and make recommendations to the Council on any desirable or necessary changes.

Recommend to the Council Codes of Conduct and Practice or Protocols for Members and/or employees of the Council, including planning issues and Arrangements for dealing with complaints.

Monitor and review such Codes and Protocols and the Register of Members interests

2.28.2 Functions

Consider and determine any allegations of misconduct against Members of the Council in accordance with the Codes and the Arrangements for dealing with complaints against Councillors

Grant dispensations to Councillors; Parish Councillors; co-opted members and church and parent governor representatives relating to disclosable pecuniary interests as set out in the Localism Act 2011.

Consider

- any application for exemption from political restrictions in respect of a post, by the holder of that post, and
- any application from any person for a direction requiring a post to be included in the list of politically restricted posts.

Consider any reports from the Council's Monitoring Officer regarding illegality, unlawfulness or maladministration and any report of the Local Government Ombudsman.

Consider and determine the Council's response to any internal or District Audit regulatory recommendations referred to the Committee by the Monitoring Officer.

Make representations to the Government, Local Government Association and other external bodies on matters relating to the general principles of conduct for Members and employees of the Council.

Make arrangements for training to Councillors; Parish Councillors; co-opted members and employees in connection with any matter within the terms of reference of the Committee.

Liaise with the District Auditor and the Local Government Ombudsman in connection with any matter within the committee's terms of reference;

Recommend to the Council from time to time as necessary the appointment of Independent Members to the Committee following open advertisement, short listing and interview.

2.28.3 Composition

- 5 x elected Members (voting)
- 3 x independent members - one of whom will chair the Committee (non-voting)
- 3 x Parish representatives (non-voting)
- The Independent Persons will be invited to attend the meeting and provide relevant comment.

Elected member appointments will be made having regard to rules on political proportionality – as set out in the [proportionality table](#).

2.28.4 Quorum

For ordinary business, the quorum is 3 Members, plus one independent member. When considering parish matters, the quorum shall include at least one parish representative.

For considering individual cases, the quorum shall be 5 Members, including at least one independent member, and if a parish matter, at least one parish representative.

No more than one Cabinet Member may be appointed to the Committee. The Leader of the Council may not be a member of the Committee. In no circumstances may a Cabinet Member chair a meeting of the Standards Committee.

2.28.5 Substitution

Substitute Members are permitted in line with [Council Procedure Rule 3.1.4](#).

POLITICAL PROPORTIONALITY TABLE – MAY 2025

Compulsory cumulative proportionality	Number on Committee	Liberal Democrat (40) 68%	Labour (7) 12%	Independent (4 6) 10 7%	<u>Independents for B&NES</u> (3) <u>5%</u>	Green (3) 5%	Conservative (2) 3%	Unaligned (1) 2%	Chair Allocation	Vice Chair Allocation	Co-opted members
Corporate PD&S	9	6	1	1	<u>1</u>			4	LAB	LD	
Climate Emergency & Sustainability PD&S	9	6	1	4	<u>1</u>	1			LD	LAB	
Children, Adults, Health & Wellbeing PD&S	9	6	2	(1)*	(1)*	1*			LD	LAB	4
Planning Committee	10	7	1	1			1		LD	LD	
Audit Committee	5	3	1			1			LAB		1
Avon Pension Fund Committee	5	3	1			1			LD	LD	12 voting, 3 non-voting
Employment Committee	3	3							LD		
Standards Committee **	5	3		1			1		LD	LD	6 non-voting
Restructuring Implementation Committee	5	3	1	1							<u>Ind B&NES, Gn + Con GLs non-voting places</u>
TOTALS	60	40	8	<u>4</u>6	<u>3</u>	3	2	4			

* Independents for B&NES Group offering their seat to the Green Group

** Standards cttee: current working practice is that the Chair is an independent member, unless Chair vote required

Compulsory individual proportionality	No. on Cttee	LD	Lab	Ind	Green	Con			
Licensing Sub-Committee	3	2+1***	(1)***	(1)***		(1)***	LD		
Optional proportionality									
Licensing Committee	11	8	1	1		1	LD		
Fixed memberships									
WECA Overview & Scrutiny Committee	2	2							
WECA Audit Committee	2	2							
Public Health & Wellbeing Board	2	2 (appropriate Cabinet Members)	1 (observer)	1 (observer)		1 (observer)	Shared between CM & CCG Chair (or equivalent)		
Pensions Investment panel	3 (Chair & Vice of APF)	2	1						3
Charitable Trust Board	5	1 Cab Mem + 3	1						
Alice Park Trust	5	3			2 (Ward member)				2

- CTB - 5 councillors (to include Cabinet member responsible for Community Services) plus at least 1 Councillor who is not a member of controlling group but appointed by controlling group, plus 3 others).
- APT – 3 Councillors from the membership of the Charitable Trust Board (*excluding the Cab Member*) + the 2 Ward members for Lambridge as voting members + 2 co-opted non-voting members.
- *** No other group prepared to fill the Licensing Sub place hence 3 LDs

MEMBER ADVOCATES – ANNUAL ACTIVITY REPORT 2024-25

Councillor Jess David – Member Advocate for Green Infrastructure and Nature Recovery

Over the last year activities have included:

- Attending Climate and Ecological Emergency Team Meetings with officers and Cabinet leads.
- Promoting and supported community nature and wildlife events included Festival of Nature, Bath in Bloom and Bath Urban Treescape walks.
- Meeting with partners including Avon Wildlife Trust to discuss opportunities around Team Wilder advisory service.
- Supporting ward-based initiatives around wildlife planting, habitats, and information boards.

Cllr Fiona Gourley – Member Advocate for Rural Communities

Public Transport

- Worked with Sarah Warren and B&NES Bus Team and attended WECA meetings to represent B&NES residents, to lobby for better policies and services, and advocate to restore regular and reliable public transport to underserved communities, particularly in rural areas.
- Spoke about impact of lack of rural transport on residents to WECA and B&NES Council and in local media.
- Aimed to represent all rural residents across B&NES by working cross-party with other councillors to understand issues and support campaigns.
- Met First Bus regularly and worked closely to find solutions to bus-related problems, including the loss of services during A36 closure
- Successfully campaigned to save 94 bus

Village Agents

- Successfully advocated for Village Agents scheme to Cabinet during budget process.
- Promoted Villages Agents in Focus articles and village newsletters
- Regularly mentioned the role of Village Agents at Parish Council meetings and to residents who might benefit from their service.

Councillor Kevin Guy – Member Advocate for Armed Forces and Veterans

I have met a number of veteran organisations over the year and we are looking at a comprehensive piece of work around the Armed Forces covenant in tandem with Key anchor institutions within the city of Bath. This work is being carried out in consultation with the British Legion.

I've attended veterans breakfast clubs in Keynsham and represented the Council on Armed Forces Day and laid a Wreath on behalf of the Council at Bath cenotaph, as well as attending the early morning ceremony at Bath station with the MP & Mayor to send a wreath to the national cenotaph in London.

I also had the pleasure recently of meeting Stan a local VE veteran on his 100th birthday in Keynsham.

Councillor Alan Hale – Member Advocate for Safer Roads

As Road Safety Advocate I have recently met with two of the Road Safety team to gain an understanding of their work, their issues and their challenges. I have told them that I stand ready to support them.

I have considered and contributed to consultations on at least two proposals for changes to highway layout and speed limits.

I have stood ready to give advice to any fellow councillors.

I shall seek to have future meetings with the road safety team.

Councillor Ian Halsall – Member Advocate for Engagement with Students

Secured direct funding in February from Cllr Paul May's budget to continue to support the Student Community Partnership for another year (previous contributions came from the Community Infrastructure Levy) safeguarding the Council's partnership with the two universities and the essential work carried out by the SCP manager and two community wardens all year long.

Successful "Moving Out" and extended "Moving In" campaigns during 2024-2025 engaging both with students and permanent residents alike over six Bath wards to educate on waste and recycling, combat fears and the threat of antisocial behaviour and signposting both groups to where they can obtain help whilst living together within the community.

The Pack for Good campaign as students moved out of their accommodation including Purpose Built Student Accommodation with unwanted belongings saw an exponential increase in donations during the Moving Out campaign through the siting

of numerous British Heart Foundation bins across inner wards of the city from April to September 2024. These raised over £95,000 and diverted 50.9 tonnes away from landfill with goods going directly to the charity. Such has been the success with permanent residents also being encouraged to use the donation banks that BHF have delivered more for the end of the 2024-25 academic year.

Councillor Liz Hardman – Member Advocate for Children Looked After

One of the most important steps we took in council was to make being Care Experienced a protected characteristic. That was last year, but since then I have engaged with the Cabinet Member for Children and Young People to ensure this is happening in our Council and I have also ensured we have received updates about this in our Children, Adults, Health and Wellbeing Panel.

Another part of my role as the member advocate for Children Looked After is that I am a governor at the Virtual School. Every CLA is a pupil at this Virtual School. The children's attainment and progress are monitored very carefully, as well as their attendance and behaviour. As a governor, I attend meetings three times a year. The outstanding Virtual School Headteacher gives us an in-depth report on our CLA. The most recent report described how good relations are between our local college and our CLA. Once again, we have been informed that no CLA has been permanently excluded from school, not just for this year but for the past three years.

At a Corporate Parents' meeting last year, a request was put in from our Care Experienced Young People for free bus travel for those aged 18-21. This was to be funded by WECA until March 2025. I have liaised with the Cabinet Member and Care Experienced team leader in contacting WECA to ensure free bus travel is extended for another year until March 2026.

I hope to meet regularly with The Senior and Junior In Care groups. I met up with the group of Care Experienced young people in April. We discussed many options in helping them move on with their lives, including help with getting driving licences.

As Councillors, we are all champions of our CLA. I have had discussions with our young people both at Corporate Parents and at my meeting in April about encouraging more Councillors to attend our Corporate Parents' meetings. Hopefully after reading this, we might see more of you at our Corporate Parents' meetings.

Councillor Saskia Heijltjes – Member Advocate for Active Travel – Bath

- Liaised with residents and officers regarding poor road surface on North Road resulting in emergency pothole repairs in May 2024 and resurfacing in August 2024.

- Panellist at Imagining Future Transport event held by WESTACT (November 2024)
- Attended Global Bike Bus Summit in Worcester (April 2025)
- Attended meetings as member of Beyond the Bicycle Coalition
- Attended meeting to discuss shared e-scooters and e-bikes to be allowed access to Linear Park
- Organised Dott e-scooter, e-bike and e-cargo bike demo in Alice Park for the Larkhall Festival
- Observed Journey to Net Zero meetings
- Arranged meeting for recumbent tricycle user with GLL and Council to discuss accessible cycle parking at the leisure centre in Bath
- Attended quarterly meetings with Cabinet Member
- Commented on various planning applications and Highways projects with regards to active travel infrastructure
- Interviewed by BBC Radio Bristol about bike theft
- Interviewed by Global Cycling Network (GCN) for item on road rage: <https://www.youtube.com/watch?v=wmUP8OH50E0>
- Raised numerous issues with active travel infrastructure through Fix My Street
- Raised issues around diversions for river towpath closures, in particular access issues for disabled cyclists and lack of signage

Councillor John Leach – Member Advocate for Climate Resilience

-

Councillor Ruth Malloy – Member Advocate for Great Spa Towns of Europe and Twinning

The Great Spa Towns of Europe

The General Assembly #5 of the GSTE Association took place in Baden bei Wien (Austria) in November 2024, and the GA #6 in Mariánské Lázně (Czechia) in May 2025. The EU-funded 'Interspace' project enabled 100 teenagers from six of the eleven spa towns to participate in co-design workshops, where they developed ideas about shaping the future of their spa towns and learned more about our shared heritage.

The first Combined City of Bath and GSTE World Heritage Sites Management Plan (2024-2030) has now been completed, and I'm sure this will increase public awareness about our second WH inscription.

Twinning

2025 is the 80th anniversary of the Bath-Alkmaar link with many commemorative events planned, including a visit from the Mayor of Alkmaar in coming July. In April the City of Bath Male Choir performed in Alkmaar, followed by a citizens' visit in early May, when an oak 'tree of friendship' was unveiled.

The Bath-Alkmaar, Bath-Braunschweig and Bath-Aix en Provence TAs again shared a chalet at the Christmas Market, and all have been very active during this past year, as has the Bath-Beppu Friendship Association. There were two meetings of the Twinning Forum, in July 2024 and January 2025.

Councillor Sarah Moore – Member Advocate for Accessibility

During the past 12 months, I have attended various meetings including the City Centre Security Board and the Corporate Equality, Diversity & Inclusion Steering Group, where I have discussed a number of accessibility issues.

I have met with a lot of residents and am also working with our Highways Officers to make sure our footpaths and roads are safe and accessible for all.

Councillor Michelle O'Doherty – Member Advocate for Homeless People

Bath & North East Somerset is facing a worsening housing crisis, as is every local authority in the UK. Social housing demand hit record highs, with some families facing waits of over 200 years. High rents and property prices made housing unaffordable, while poor conditions, including mould, affected many residents. In response, the council has launched new affordable housing projects, introduced higher council tax on second homes, and began a Local Plan Reset to meet national housing targets and address local needs. I have continued to support a local group who take hot food to rough sleepers and others who aren't necessarily homeless but for whom their living arrangements are very precarious – the group is seeing an increasing number of people each week, from around 12 when the group started last year up to a regular number of 30+ people each week.

Councillor Shaun Stephenson-McGall – Member Advocate for Active Travel – North East Somerset & LGBTQ+ issues

Active Travel – North East Somerset

I have had various meetings with Cllr Sarah Warren, Cllr Manda Rigby and various B&NES Officers on this topic. I've also liaised with Cllr Saskia Heijltjes who covers Bath. I've attended various webinars on this and related topics by organisations like Livings Streets, and others. I've had regular meetings and email exchanges with volunteers and advocates for cycling, wheeling and walking locally. I have requested and received updates on various projects including the LCWIP, Somer Valley Links, and of course the Active Travel Master Plan. Alongside this role, I am the B&NES Council representative on the Joint Local Access Forum where I'm working with others to improve Public Rights of Ways across B&NES, Bristol, and South Gloucestershire.

LGBTQ+ issues

Bath Pride 2024 was the highlight of the year, and I would like to whole heartily thank the Trustees, Committee and dozens of volunteers who helped make Pride such an amazing success for our queer community, our allies and the local community of Bath and North East Somerset. Thank you to the Holburne Museum for hosting last year and for all those charities, community groups and local business who supported us so well.

Plans for Bath Pride 2025 are well underway and I've been liaising with and supporting the organisers and attending various meetings to help push the plans forwards.

I attended the LGA LGBTQ+ Cllrs Weekend together with Cllr Kevin Guy was very useful and helps to create a great cross-party network of LGBTQ+ councillors at this difficult time for Trans member of our community. National, elected LGBTQ+ councillors are facing increased abuse which is sadly reflective of the societal pressures facing our LGBTQ+ communities.

Following the recent Supreme Court ruling about the legal definition of 'woman' and its relation to biological sex, I know that there is significant concern and upset amongst many and particularly members of our trans community locally. B&NES Council, like I hope all councils, will continue to navigate this issue sensitively, with respect for differing beliefs, an adherence to the law, and with continuing lawful support for members of the trans community and people with different gender identities. I hope the Council will do this whilst respecting protections for all equalities strands covered by the Equality Act 2010, including sex and religion or belief. B&NES will have to consider what, if any, updates are required to its politics and practices once national guidance is updated by central government.

I've continued to have discussions with Public Health Officers around HIV & Sexual Health services locally and what potential changes to service provision could be made at the Riverside Clinic, for example, the provision of postal STI testing kits, when the current services are recommissioned.

Councillor Sam Ross - Member Advocate for Rural Housing & Community Buildings

Rural Housing

With increased pressure on our rural areas due to the Government's new housing plan, rural housing in B&NES continues to face both challenges and opportunities in meeting the demands of residents.

Through engagement with the LDF Steering Group/Spatial Planning Working Group, as well as ongoing discussions with officers throughout the year, I have continued to advocate for rural housing that:

- Is sustainable and proportional.
- Is affordable.
- Meets the needs of local people.
- Includes improved infrastructure and community buildings.
- Incorporates renewable energy.
- Protects and enhances the natural environment.

Given that housing developments in villages are often small, I have suggested that S106 funding agreements should consider the interaction of neighbouring villages. This would enable a comprehensive assessment of the necessary infrastructure for connected communities across a wider area, thereby securing more funding for meaningful improvements for an area rather than several restricted and limited funds that cannot achieve the best outcome.

Community Buildings

Place-making is crucial for maintaining and fostering diverse and thriving rural communities. Too many developments focus solely on housing while overlooking the supporting buildings that bring communities together or placing them at a lower priority. This results in dormitory areas with limited interaction, and plans for business units are often later changed to include more homes.

Over the past year, I have engaged with Plunkett UK and developer Thakeham, who have collaborated to create a new development in West Sussex with a community

shop at its heart. <https://plunkett.co.uk/pioneering-community-owned-shop-opens-to-customers>

Through the LDF Steering Group/Spatial Planning Working Group and ongoing discussions with officers, I have recommended incorporating this approach into the new Local Plan so that more and better community buildings are included in proposals.

Councillor Andy Wait – Member Advocate for Rivers and Waterways

I would like to share my most recent case. At the Widcombe lock system there are some swans. At this time of year, they have cygnets. These locks have drains for overflow water. When the cygnets are small, they are washed down these drains. Only brave action by residents involving plunging into the water has saved them. One sadly died last year. We have come up with a solution, to put a temporary wide gauge net across the drains. At the time of writing, they are not yet in place as the Canal and River Trust are objecting. Discussions are ongoing, lives are at stake!



Annual Report

*April 2024–
March 2025*

*Providing effective Challenge and Support to the
Avon and Somerset Police and Crime Commissioner*



Table of Contents

	Page
Members of the Panel_____	3
Chair's Introduction_____	4
Roles and Responsibilities_____	6
Key Activities _____	8
Proactive Scrutiny_____	13
Challenges ahead and looking to the future _____	17
Reflections of Panel Members _____	19

Members of the Panel

Each of the Local Authorities in the Avon and Somerset Police area must be represented on the Panel by at least one elected member. It is the responsibility of each authority to ensure that the member appointed has the appropriate skills, knowledge and experience for their role on the Panel. The overall composition of all Police and Crime Panels should form a “balanced appointment” objective which takes account of, as far as is practical, both political and geographical proportionality. Reaching the balanced appointment objective is a collective responsibility of the component authorities and the Panel itself.

Each of the 5 Unitary councils in the force area are represented. North Somerset, Bath and North-East Somerset and South Gloucestershire each have 2 seats. Bristol City Council has 3 seats based on the city’s population size and comparatively high crime levels. Somerset has 5 seats following the dissolution of its 5 district councils on 1st April 2023 and the establishment of Somerset Council.

They are joined by three Independent Co-opted Members recruited through a competitive selection process, who have the same voting rights as the Councillor Panel Members. In total, there were 17 Panel Members in 2024/25:-


Bath and North-East Somerset	Cllrs Andy Wait and Ann Morgan
Bristol City Council	Cllrs Lisa Durston, Sibusiso Tshabalala, and Cara Lavan
North Somerset Council	Cllrs Peter Crew and Stuart Davies
Somerset Council	Cllrs Heather Shearer (Chair), Nicola Clark, Federica Smith-Roberts, Martin Wale, Brian Bolt
South Gloucestershire	Cllrs John Bradbury and Raj Sood
Independent Member	Richard Brown
Independent Member	Julie Knight (Vice-Chair)
Independent Member	Gary Davies

Contact the Panel:-

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Chair's Introduction

I am pleased to introduce the Avon and Somerset Police and Crime Panel's Annual Report for 2024/25 and reflect on the past year. Outside of the four-yearly election cycle, the Panel continues to provide the key support and accountability mechanism for the decisions and activities undertaken by the Police and Crime Commissioner (PCC).



Elections in May 2024 saw the appointment of a new PCC, Clare Moody. Clare has a background spanning various sectors and brings a clear understanding of public office accountability to the role. With a new PCC comes the statutory duty to issue a new Police and Crime Plan. The PCC facilitated the creation of the plan with the assistance of an over-arching Advisory Board that provided meaningful and collaborative space for problem solving between the Office of the Police and Crime Commissioner (OPCC), the Constabulary and Panel representatives.

You can read more about the Police and Crime Plan later in the report.

Our role is to support and challenge the PCC's decisions and performance and we have delivered a challenging work programme over the last year, incorporating our work into 7 public meetings and 10 sub-committee and task group meetings. Outside of our statutory responsibilities, the Panel's proactive scrutiny included a session that looked at the strategy around PCC partnership working with a focus on Community Safety Partnerships, funding mechanisms and monitoring processes.

The PCC must work effectively with partners across all aspects of criminal justice, public health and community safety within Avon and Somerset. This last year, we looked at the new partnership arrangements that created a central Violence Reduction Partnership (VRP) in the OPCC. The OPCC acts the VRP hub, providing a function that coordinates the Home Office grant allocation and ensuring that the VRP is collectively meeting the objectives of the public health approach to tackling serious violence. The five Local Authorities in the force area act as spokes for delivery of those objectives.

The Panel's Budget Task Group continued to operate across the year, enabling members to evaluate the effectiveness of additional Precept investment by reviewing the constabulary's quarterly budget reports across 2024/25. This enabled a small group of members with the right experience to delve deeper and focus on any issues before the wider Panel made the Precept decision. Whilst the Panel was satisfied that a Precept increase was justifiable, our expectations were made clear in our statutory report that you can find here [PCP Precept Report 2025](#)

PEEL is the regular assessment of Police forces in England and Wales conducted

by His Majesty's Inspectorate of Constabulary and Fire and Rescue Services. The PEEL inspections (Police Effectiveness, Efficiency and Legitimacy) are a really important tool in assisting the PCC in her statutory duty of holding the Chief Constable to account and ensuring that she delivers an efficient and effective Police service. The Panel has taken a keen interest in the judgements made by the Inspectorate, both in terms of the outcomes and required actions from individual inspections and in trends over time.

At our last meeting of the year, the PCC was resolute in her confidence in the Chief Constable and the plans in place to tackle the issues identified as areas of concern in the last inspection report. We will be directing appropriate challenge to the PCC in 2025/26 to ensure that the force is making progress as required by the inspectorate and in line with her expectations. We feel strongly that unequivocal and consistent leadership is needed from the PCC and the Chief Constable as they manage the necessary change.

We understand that our communities want the best possible Police service and over the last year, I believe that we have applied our scrutiny powers to best effect. In doing so, I hope that we have reflected the views and concerns of our residents.

Finally, I would like to take this opportunity to thank the members from all five councils and our three independent members who have demonstrated their willingness to participate in this important support and challenge role. And I would also like to thank our excellent officers for all they have done to support us again this year. I am grateful for their invaluable contributions over the last year.



Heather Shearer, Chair.

Roles and Responsibilities

In each Police area, there is an elected Police and Crime Commissioner (PCC). The role of the PCC is to be the voice of the public and to hold the Chief Constable to account. The PCC is responsible for setting the strategic objectives of the Constabulary and deciding how funding for local policing and crime reduction activity is allocated. Clare Moody was elected on 3rd May 2021 for a 4-year term.

The purpose of the Police and Crime Panel is to support and challenge the PCC's decisions and performance. The Panel is made up of elected members from the 5 Local Authorities in the force area and 3 Independent members of the public who bring a variety of skills and experience to the role. Somerset Council currently acts as the Host Authority for the Panel and is responsible for its administrative and specialist officer support arrangements.

The PCC's plans and objectives are set out in a document called the Police and Crime Plan, available here [Police and Crime Plan 24~29](#)

This is the most important document any PCC will produce during their term of office. The PCC is required by law to consult the Panel on the plan and other duties connected to the role. A summary of the Panel's core responsibilities is set out below:-

- Review the objectives set out in the PCC's Police and Crime Plan and monitor performance against her priorities.
- Scrutinise and vote on the PCC's proposed Policing Precept.
- Hold a Confirmatory Hearing for the PCC's proposed appointment of a Chief Constable and other senior officers (the Panel has the ability to veto the Chief Constable appointment if this is considered necessary).
- Resolve complaints that relate to the PCC's personal conduct.
- Scrutinise decisions the PCC makes in connection with the discharge of her functions and make reports and recommendations to the PCC in relation to the discharge of those functions.

Sarah Crew is the Chief Constable for the Avon and Somerset Police area, and it is important to note that the Panel does not hold the Chief Constable to account. If the Panel has a particular issue of concern, for example an increase in violent crime or a perceived deterioration in response to the public, the Panel's role is to establish how the PCC is addressing this at a strategic level for the benefit of the public. In turn, the Chief Constable has responsibility for implementation of the PCC's Police and Crime Plan and for day-to-day operational matters in our communities. She is accountable to the PCC.

In carrying out the above duties, it is essential for the Panel to stay well informed on policy and strategic issues affecting Policing, and the Panel has dedicated officer support and appropriate developmental training to assist with this.

Key/Statutory Activities

Development and Review of the Police and Crime Plan 2024-29

Plan Advisory Board

The Police and Crime Commissioner (PCC) has a legal duty to issue a Police and Crime Plan (Plan) for the force area as required by the Police Reform and Social Responsibility Act 2011. The PCC's priorities are to:-

1. Strengthen neighbourhood policing
2. Reduce violent crime
3. Prevent crime
4. Support victims
5. Improve standards of policing

A Police and Crime Plan Advisory Board (Advisory Board) was set up by the PCC to oversee and facilitate the creation of the 2024-2029 Police and Crime Plan. An invitation was extended for two Panel members to represent the Panel on the Advisory Board; these two members were Julie Knight and Cllr John Bradbury.

The Plan was found to be more direct and succinct than its predecessor, providing a clearer, narrower focus and mandate to those charged with its delivery. We anticipate better and more realistic performance outcomes. Each priority is clear, and their description is informative to the public along with the outcomes that are expected. This will help the Panel to understand the impact of the plan and inform the focus of our scrutiny.

We acknowledge the vast amount of critical work undertaken by the PCC and her officers and the engagement, support and obvious commitment to task by the Constabulary.

Communication and Engagement

Multiple channels were used to raise awareness, including mainstream and social media to seek a wide range of participants including community groups/organisations/forums including youth and faith groups. It also included PCC commissioned services, MPs, local councillors, agencies including Police (and their channels, e.g. Independent Advisory Groups), Local Authorities, Integrated Care Boards, NHS England, Criminal Justice agencies, partnerships (including Community Safety Partnerships, Criminal Justice Board, Violence Reduction Partnership), the Police and Crime Panel and with those with 'lived experience'.

Survey

The Police and Crime Plan/Police Funding Survey was launched on 15th August, marking the start of an 11-week public consultation period. This is the first double-handed consultation that a PCC has run, seeking views on her priorities and views on how much of an increase the public would support. This seemed like a reasonable approach in terms of preventing public confusion and consultation fatigue.

Neighbourhood Policing

The PCC has fully recognised the importance of strengthening neighbourhood

policing in the Police and Crime Plan. However, the Panel remains concerned about the significant reduction in baseline PCSO numbers over time and the impact on the neighbourhood teams when Police officers are abstracted from their neighbourhood roles to manage demand. It has been particularly hard to reconcile these actions with a clear operational need to improve neighbourhood policing.

Additional government funding to kickstart the delivery of 13,000 more neighbourhood police officers has been doubled to £200 million to make communities feel safer. The resulting 70 additional officers for the neighbourhood teams is a positive start, but even with the additional funding, the Panel is concerned that government targets for PCSO uplift will not be reached.

You can read the Panel's input to the development of the plan and its formal review here [PCP Report on the Development of the Police and Crime Plan 2024-29](#) and here [PCP Report on the Draft Police and Crime Plan 2024-29](#)

Precept Proposal

One of the Panel's core duties is to scrutinise the PCC's proposed Council Tax Precept, the money collected from council tax specifically for Policing. As representatives of the tax-payers of Avon and Somerset, the Panel's focus must be value for money and delivering outstanding performance.

During 2025/26, to retain appropriate oversight and ensure that the Panel made a tangible and practical contribution to the budget and Precept-setting process, the Budget Task Group continued. This enabled members to make an assessment across the course of the year of the effectiveness of the Precept investment.

At the precept meeting on 4th February 2025, a presentation from the Chief Constable set out an uphill struggle in the fight against crime. Our attention was drawn to shifting crime dynamics including striking increases in rape and serious sexual offences, domestic abuse, online child abuse, knife crime, stalking and shoplifting. The Chief Constable described a Police service under tremendous pressure in a complex and challenging environment and outlined her commitment to "tackling the pain being felt in communities".

We heard that the harshest reality the constabulary is facing is a lack of resources.

Police forces are partially funded by central government. This creates an on-going financial dilemma and the need to consider the extent to which local taxation should bridge the gap. As in previous years, the Panel was required to reconcile the cost of increasingly complex demands of modern policing with the likely impact on the service if we did not agree to the additional investment.

Whilst the Panel was ultimately satisfied that a Precept increase was justifiable at this time, we also made a range of requests for information and recommendations based on our principle concerns. The Panel's formal review of the Precept proposal can be found here [PCP Precept Report 2025](#)

Recruitment and Retention

The Panel represents the residents of Avon and Somerset and understands that all communities want a low crime environment where people can feel safe and secure.

The Panel has been concerned for some time about the effectiveness of neighbourhood police teams due to abstractions to manage demand elsewhere. We have continued to retain oversight of Police officer and Police Community Support Officers (PCSOs) numbers by way of a timeline report to each of our meetings.

PCSOs remain integral to keeping our communities safe and bring much needed visibility to our streets. Last year, the Panel was notified of a pause in recruitment, making it hard to reconcile the financial need to reduce PCSO numbers with a clear operational need to improve neighbourhood policing.

As mentioned previously, the Panel is concerned that despite the additional funding, the government targets for PCSO uplift will not be reached as the baseline has been significantly reduced over previous years to achieve savings.

Last year, the target of 456 additional Police officers took officer headcount to 3,291. The headcount target for 2025/26, enabled through the precept increase and additional government funding, is now 3,351.

Complaints

The Panel must consider non-criminal complaints that relate to the personal conduct of the PCC. This duty can relate to conduct matters emerging from her actions and omissions, any statements or procedures, or the way the PCC takes decisions. As an example, a complaint that challenges or has some bearing on the PCC's personal integrity, competence, reliability or ethical framework, would amount to a valid conduct complaint. Inevitably this would result in the Panel's oversight role becoming more focused on that issue.

In practical terms, the Panel's objectives are clear - to ensure recording obligations are adhered to, avoid delays and to reach appropriate resolutions as soon as possible.

The more serious complaints are referred to the Panel's Complaints Sub-Committee for consideration. However, Gary Davies (Independent Member) and the Panel's Lead Officer work together on complaints on a day-to-day basis and helpfully provide a filter for the less serious complaints. This ensures that meetings of the sub-committee are only held when necessary.

The Panel is not responsible for investigating or determining whether a crime has been committed. Any conduct matter and any complaint that appears to involve a criminal offence must be referred to the Independent Office for Police Complaints (IOPC). There is day-to-day liaison between the Lead Officer and the IOPC when necessary.

A standing report on complaints is provided to each Panel Meeting. Further information on the Panel's complaints handling function can be found on the website here [PCC Conduct Complaints](#) including a copy of the Panel's Complaints Protocol.

Performance Monitoring

National Crime and Policing Measures

Police forces are now ranked in league tables according to their success in cutting serious crime. Forces are measured according to their effectiveness in combatting six key areas - homicide, serious violence, the supply of drugs, neighbourhood crime, cyber-crime and improving satisfaction for victims.

The Home Office requires the PCC to provide Panels with a narrative on force performance against the Government's crime measures mentioned above. The Panel's role is to make sure that the PCC is ensuring an adequate level of progress and improvement is being made within these crime areas.

We also monitor the PCC's performance against the priorities set out in her new Police and Crime Plan. We are in the process of developing a mechanism which will enable us to focus our scrutiny and track progress against the PCC's Action Plan that accompanies the plan.

Public Question Time

To increase public confidence and transparency, the PCC holds the Chief Constable to account in public as part of her governance arrangements. This takes place in the form of a Public Question Time session which is a public meeting held via Facebook:

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<https://www.avonandsomerset-pcc.gov.uk/reports-publications/police-question-time/>

Formal Panel meetings also include a standing Public Question Time agenda item. This provides opportunity for members of the public to submit a statement or ask questions about the Panel's role in holding the PCC to account. More information can be found on the Panel's website here:-

[Police and Crime Panel » Getting involved](#)

His Majesty's Inspectorate of Constabularies and Fire and Rescue Services (HMICFRS)

PEEL is HMICFRS's regular assessment of Police forces in England and Wales. The PEEL inspections (Police Effectiveness, Efficiency and Legitimacy) are a really important tool in assisting the PCC in her statutory duty of scrutinising and holding the Chief Constable and the force to account.

Inspectors use findings, analysis and professional judgment to assess how good forces are in several areas of policing. Most of these areas are then graded as outstanding, good, adequate, requires improvement or inadequate.

At our meeting on 4th February 2025, the Chief Constable described a Police

service under tremendous pressure in a complex and challenging environment and outlined her commitment to “tackling the pain being felt in communities”. She anticipated the imminent HMICFRS inspection report would present challenges.

The inspection report can be viewed here:-

<https://hmicfrs.justiceinspectorates.gov.uk/police-forces/avon-and-somerset/>

The Panel needs to have confidence that the HMICFRS Areas for Improvement and the recommendations from the Inspectorate are being progressed in the timeliest manner and in line with the PCC’s expectations; of particular concern to the Panel is the required progress around detection rates and positive outcomes.

We have requested the PCC’s input into this when it becomes a standing item for the Panel in 2025/26.

Proactive Scrutiny

This work can take place outside of the core meeting cycle by individual members, as a dedicated Inquiry Day or as a whole Panel function by reserving part of a public meeting to a particular topic. Proactive scrutiny provides an opportunity for greater insight and can inform the broader role of a Panel Member. It can also enable

members to draw on their knowledge and expertise and contribute to the work of the PCC in key areas of business.

Review of the PCC role in Community Safety Partnerships and Strategic Approach of the Avon and Somerset Violence Reduction Partnership

The PCC has committed to building safer communities and helping to prevent and solve crime.

Part two of the government's Police and Crime Commissioner Review recommended that the Home Office undertake a full review of Community Safety Partnerships (CSPs) across England and Wales. It explored whether strengthening the accountability of CSPs to PCCs would improve the delivery of effective outcomes for the public and how PCCs and CSPs can better work together. The Home Office committed to improving and clarifying the ways in which CSPs and PCCs work together by taking forward a series of proposals.

Most Panels have recognised the need to communicate with CSPs as a means of plugging into local-level issues which are impacted by the PCC's decision-making. Commonality of membership (some members sitting on both the Panel and their local CSP) inevitably makes this easier, but all Panel members are keen to gain assurances that resources are being prioritised correctly.

The PCC has recently met with key members of Somerset Council's community safety team and local organisations, to gain insight into the pressing issues facing Somerset and the proactive measures being taken to address them.

The PCC has also committed to making the reduction of violent crime a priority including knife crime and violence against women and girls. As touched on in the Chair's introduction, the Panel has looked at the new partnership arrangements which have created a central Violence Reduction Partnership (VRP) in the PCC's office.

This is the VRP hub, providing a function that coordinates the Home Office grant allocation and ensuring that the VRP is collectively meeting the objectives of the public health approach to tackling serious violence. This central co-ordination team around violence and knife crime links to the Local Authorities in the force area and Home Office reporting structures.

For member development purposes and to get some insight on the PCC's general strategy position around partnership working, the Panel received a presentation on

the PCC's role in CSPs and VRPs on 24th September 2024. This gave members the opportunity to hear directly from the PCC's officers leading on these work areas and the ability to scope out direct questions for the PCC.

You can find the PCC's responses to member questions here [PCP VRP CSP Questions with PCC Responses](#)

Budget Task Group

For the last 2 years, a small group of Panel Members with an interest and expertise in finance and accounting have formed a Budget Task Group.

The process provides a mechanism to enable members to evaluate the effectiveness of additional precept investment by means of the opportunity to review quarterly budget outturn reports across the year. This included the opportunity to submit detailed questions to the Chief Financial Officer. The purpose of the group is to robustly scrutinise the information made available by the OPCC and assist the wider Panel in making an informed decision on the precept proposal.

Public Trust and Confidence Sub-Committee

Policing both nationally and locally is feeling the strain of a significant reduction in trust and confidence, brought about by a range of national and local policing issues which have undermined public attitude towards policing.

The decline in public confidence is concerning and the PCC shares our concerns. The strategy to proactively improve public confidence, maintain the reputation of the force, and importantly, to communicate this to the public are important factors for the PCC to consider.

The Panel's Public Confidence Sub-Committee formed in 2023, continues to support and challenge the PCC as she holds the Chief Constable to account for the areas for improvement emerging from the last inspection of the force by HMICFRS.

The sub-committee will report in June 2025 and this report will be published. In the meantime, its Terms of Reference can be viewed here [PCP Public Confidence Sub-Committee - Terms of Reference](#)

Tackling Disproportionality

In 2019, former PCC Sue Mountstevens and Chief Constable Andy Marsh commissioned a local review into disproportionality in the criminal justice system. In

2022, the review report was published, setting out 83 recommendations for all agencies involved. A Tackling Disproportionality Programme was subsequently developed spanning the term of three PCCs with governance structures and partnership engagement based on the recommendations.

The ambition, defined by the multi-agency partnership, is to make criminal justice fair and transparent for all by establishing a proactive multi-agency approach to tackling disproportionality for Black, Asian and other minority ethnic people across Avon and Somerset.

In December 2024, the Public Confidence Sub-Committee held a meeting with relevant staff from the PCC's office to discuss their high-level strategic governance arrangements and the PCC's expectations and desired outcomes. It was important to gain assurance on:-

- the effectiveness of the governance arrangement at all levels
- that the necessary buy-in at the right level has been secured given various strands are being led by a range of partners
- that those agencies have the resources (human and financial) to move their elements forward and in a timely way
- to establish the timescales for key deliverables and the outcomes expected over the next five years

Following the Chief Constable's declaration of institutional racism in 2023, it was also important to gain assurance that the communities of Avon and Somerset are aware of the work taking place in response to the declaration.

The Panel's proactive scrutiny of this work area will be covered in detail in the Public Confidence Sub-Committee's final report to be published in June 2025.

Tackling Racial Disproportionality Steering Committee

The Steering Committee is another strand of the work chaired by Sarah Crew, Chief Constable and former Panel member Asher Craig. They are leading delivery of the recommendations to drive the changes needed in culture and leadership.

The Panel extends its thanks to the Detective Inspector Ayesha Giles who leads for the Constabulary and took the time to brief all Panel members on this work area in March 2025.

Challenges ahead and looking to the future

Work Programme

As the PCC's primary "checks and balance" in between elections, the Panel is aware of its important role in challenging and supporting the PCC on your behalf. Our shared objective for the future is to influence and impact positively on the decisions that matter.

The Panel has a work programme that is reviewed every 4-6 weeks as part of the agenda planning process with the PCC. As might be expected, it is developed to align with its statutory duties and topical strategic policing issues.

The initial planning that takes place with the OPCC ahead of the Panel's Annual General Meeting is a co-operative and useful exercise that enables both the Panel and the PCC to plan ahead and ensure that reports and information are produced in a timely fashion. The Chief Constable attends a Panel meeting at least once a year to provide an update on key issues including the financial challenges linked to the Precept proposal.

Below are some of the work areas the Panel will be reviewing as part of our Work Programme for 2025/26:-

- review of the Commissioner's Annual Report
- scrutiny of meaningful performance reports and data
- progress against the Police and Crime Plan – specifically the underpinning Action Plan outlining how the PCC's objectives will be delivered
- monitoring of the strategy to recruit, train, retain and lead a workforce which reflects the communities it serves
- a proactive scrutiny review of the strategic arrangements and analysis in place to combat knife crime. This aligns with the PCC's high-level priority to reduce violent crime.
- scrutiny of the Commissioner's Precept proposal and oversight of the draft Policing budget and its proposed allocation
- Standing report on progress against the Areas for Improvement and performance concerns highlighted in the PEEL inspection reports – a strategic look at the infrastructure the PCC has in place for monitoring the leadership/systemic issues the inspection has highlighted and finding out what assurance mechanisms are in place to ensure they are being addressed
- Joint Targeted Area Inspection – a regular review of progress in developing effective working relations with partners
- The timely resolution of conduct complaints against the PCC.

Reflections of Panel Members

Councillor Andy Wait (Bath and North East Somerset)



I've been a member of the Police and Crime Panel for 6 years. When I started, it was made clear to me that our role was to scrutinise the work of the Police and Crime Commissioner and not the operational activities of the police service. This I understand, in terms of the meanings of all the words, but it soon became apparent that as the PCC is strategically responsible for the effectiveness of Avon and Somerset Police, the two activities are impossible to

separate. Therefore, I believe our role is to be the critical friend of both.

Essentially, every member of the Panel wants the best, most efficient police force that we can possibly have within the financial constraints that the government places on the service. We want it to serve the public, particularly the most vulnerable, to protect the victims of crime but seek to catch as many serious law breakers as possible. There is an obvious need to work with social services, probation, health, youth work, education, politicians and others to ensure that all members of our society are as safe as they can possibly be. All this takes time and resources.

However, the police service is our priority and the pressures on the police service are considerable. At a recent visit to our Police Headquarters at Portishead, we learned that there are 900,000 calls to the 999 number at Avon and Somerset Police every year and each call is targeted to be answered within 10 seconds, that target is currently achieved 98% of the time. That number is around 2 calls every second. Whilst there, I was struck by the calmness of the call centre and it is an example of the professionalism of our police service.

Julie Knight (Vice-Chair and Independent Member)



I'm one of 3 independent members, co-opted to bring additional skills, expertise and experience and assist the Panel in the discharge of its functions. I was appointed in 2021, and I have acted as the Vice Chair for the past two years. Over the past year, I have continued to be impressed by the Panel's collegiate approach and strategic interest. I'm also very grateful for the professional excellence of our lead officer and notable key officers from our Host Authority.

Clare Moody was elected as Police and Crime Commissioner last year and was required to set police and crime objectives. She chaired an Advisory Board to oversee the creation of the 2025-2029 Police and Crime Plan that was launched, in part, in December 2024. I appreciated the opportunity to represent the Panel and participate in this process again. The Plan is more succinct than its predecessor and should provide a more focused mandate to those charged with its delivery. Consequently, the communities of Avon and Somerset should expect better performance outcomes. I look forward to seeing the underpinning Action Plan outlining how the Plans objectives will be delivered. This will help to inform our support and challenge function of the commissioner through our annual work programme.

The previous Plan was being relied upon to raise public confidence in policing that declined steadily over its 3-year term. The Panel established a Public Confidence

Sub-Committee in 2023 that's due to report to the wider Panel in June 2025. It has needed this time to arrange opportunities to hear from witnesses to inform the sub-committee's understanding of some key elements that can build or harm confidence to better prepare them to support and challenge the Commissioner.

His Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) carried out a PEEL (police efficiency, effectiveness and legitimacy) inspection of Avon and Somerset Constabulary and have recently published their 2023–25 report findings. In a press release, His Majesty's Inspector of Constabulary Michelle Skeer said: "I am satisfied with some aspects of the performance of Avon and Somerset Constabulary, but there are areas in which the constabulary needs to improve. And some of the areas for improvement are identical to those we identified in the last inspection".

The Commissioner has set out her revised means of scrutinising performance in this respect and the Panel looks forward to hearing of its effectiveness.

We've had the opportunity to hear about disproportionality and how it will be tackled in the Criminal Justice system. The complex governance structure reports to the Local Criminal Justice Board chaired by the commissioner. She was clear about being committed to making a difference in this long-term process and that engagement from key sectors was crucial to continued improvement. We look forward to hearing more about how this work will make a positive difference to those affected by it.

We heard from the Chief Constable who reflected on the pain experienced over the course of the year. She described how officers were close to 'burnout' and that front-line police officers had 'starkly highlighted the challenges they faced in striving to meet a complex range of public needs'. She advised that even with a maximum increase in the Policing precept, they still 'need to deliver a further £6.4m in savings to balance the 2025/26 budget and enable new investment'.

For many years, the Panel has heard that the funding formula disadvantages the constabulary, and I was surprised to read that last year's overall funding was 'in line with expected levels compared to other forces' in the recent PEEL report. These mixed messages are unhelpful to the public and the Panel who must consider the evidence that supports the precept proposal.

As our Commissioner settles into her second year in office, I look forward to seeing how the new Police and Crime Plan helps to make our police service more efficient and effective and our communities safer.

Councillor Nicola Clark (Somerset Council)



As one of the five elected councillors from Somerset Council on the Avon and Somerset Police and Crime Panel, I have had the privilege of being part of a critical, non-partisan body that plays an essential role in holding the PCC to account. Our primary responsibility is to scrutinise the work of the PCC and ensure that her actions align with the needs and priorities of the residents within our force area.

The past period has been particularly interesting due to the election of a new PCC, which has brought both change and opportunity. The Panel has been fortunate to hear from several guest speakers, providing valuable insights and helping us to understand the challenges faced by Avon and Somerset Police. We've also had the chance to put questions to the Chief Constable. This continued level of external scrutiny is very important, especially given the difficulties the force area has faced over the last year.

As a member of the Panel, I've actively participated in engagement events hosted by the Office of the Police and Crime Commissioner and I am involved in a sub-committee focused on scrutinising the efforts to enhance public confidence in the police. This is particularly important in ensuring that the police force meets the expectations of our diverse communities.

One area where I have been particularly vocal is the lack of police representation in rural and semi-rural areas. I believe this is a concern that needs to be addressed for the sake of ensuring that all communities, regardless of location, feel secure and supported. While I acknowledge the challenges of policing in rural areas, I have raised the need for more neighbourhood policing in these parts, especially as rural residents often feel more vulnerable.

The good news is that we have been reassured that efforts will be made to improve this situation, and I remain hopeful that, with the promised increase in neighbourhood policing, rural communities will see a tangible difference. It is my firm belief that with continued effort, we can bridge the gap in policing services and create a safer environment for all our residents.

In summary, my role on the Panel has been both rewarding and enlightening. I am committed to working alongside my fellow Panel members to ensure the best possible outcomes for the residents of Somerset and the wider Avon and Somerset area. Together, we continue to scrutinise, challenge, and advocate for a police service that serves everyone equally, with fairness and dedication.

Councillor Raj Sood (South Gloucestershire Council)



After being elected in May 2023 to serve as a Local Councillor for Frenchay and Downend in South Gloucestershire, one of the duties I was assigned was to attend Police and Crime Panel meetings. I must admit it has been a very good learning curve for me to find out how such a large organisation, that covers 18 parliamentary seats, works in practice.

Whilst a member of the public first, and now as elected representative, I can see the difference in my perception of the workings of police from both angles. At the same time, I must say the amount of help I have received from our seniors on the Panel has immensely helped me to understand things in a correct perspective. I remember the first briefing where I was told: "No question is a silly question." This was really encouraging.

The Panel's job is to question the PCC on her various decisions and performance; this is an ongoing process. One of our main responsibilities as a Panel is to approve the PCC's Policing precept, which directly affects the funding available to the constabulary and the results they can achieve. I feel much more confident and able to understand these things compared to when I started.

What makes it interesting to be part of this Panel, where people from different backgrounds with different skills and different ideas, contribute to shape the policing policies that affect people's lives directly. We as a Panel leave our political beliefs and differences at the door once we enter the room and work as a group to create consensus on any issue being discussed. It has been a privilege to contribute at this level. I am grateful to my seniors who have made this possible for newcomers. My best wishes to all for the successful working of this Panel.

Councillor Lisa Durston (Bristol City Council)



My first year on the Avon and Somerset Police and Crime Panel has been both insightful and rewarding. As a new member, I've been impressed by the breadth of work undertaken by the Panel and the importance of our scrutiny role in holding the Police and Crime Commissioner (PCC) to account.

The year has seen the introduction of a new PCC, alongside a huge amount of work on the creation of a new Police and Crime Plan. It's been encouraging to see a renewed focus on key priorities such as tackling violence against women and girls (VAWG), addressing serious violence and neighbourhood policing; issues which resonate deeply with communities that I work with in Bristol and across Avon and Somerset.

In some of our most disadvantaged communities, both urban and rural, visible and trusted local policing is not just desirable - it is essential. Residents must feel safe and have confidence that the police are responsive to their needs.

One of the key responsibilities of the Panel is to consider and agree the policing precept. This is an important decision, particularly in the context of the ongoing cost-of-living pressures faced by residents. Nonetheless, the operational case made by the PCC and Chief Constable for sustained investment is clear, particularly to tackle issues like anti-social behaviour, knife crime, and drug activity. Agreeing to the PCC's precept proposal was not taken lightly, but it was necessary to help ensure the police service has the resources it needs to keep people safe. Now, we must ensure that the funding translates into meaningful outcomes.

The public rightly expects a police force that is visible, responsive, and fair. The Panel's work, including through its sub-committees, has shown a shared commitment to improving public trust and confidence in policing. As we continue to scrutinise progress against the Police and Crime Plan, I hope we can support a sharper focus on delivering tangible outcomes that communities can see and feel.

I'm grateful to fellow Panel members for their collegiate and constructive approach, and for the support they have offered to me as a new member. I also want to extend my thanks to the officers who have supported our meetings and the work of the PCC, throughout the year. I look forward to continuing this important work in the year ahead.

Councillor John Bradbury (South Gloucestershire)



I've been a member of the Avon and Somerset Police and Crime Panel for two years now. What have Panel members achieved? A keen awareness of the issues now facing our local police force and the challenges it is up against.

Those challenges include a lack of public confidence, financial constraint, a young and inexperienced force, and in my view, still insufficient performance with regard to the detection of crime.

When I started in this role in May 2023, one of my first concerns was the apparent lack of detection of crime, commonly, known as detection or clear up rate. This is now referred to as "positive outcomes."

I note that for the year ending March 2024, the positive outcome rate was around 11.2% - that is the proportion of recorded crime that resulted in charge, summons,

or “other positive outcomes”. There were 150,309 recorded crimes for that year. For comparison, in 2019/20, the positive outcome rate was 13.3%, with 140,525 recorded crimes.

“While there were more positive outcomes (in volume) than two years ago, the rate is lower due to the increase in recorded crime,” the Commissioner’s annual report for the year to March 2024 explains. (Note that Commissioner Clare Moody was elected and took office in May 2024 replacing her predecessor Mark Shelford)

Investigating crime is one of the Areas for Improvement (AFI) identified in Avon and Somerset’s police effectiveness, efficiency, and legitimacy (PEEL) report for 2023 to 2025, carried out by His Majesty’s Inspector of Constabulary. Other AFIs included responding to the public, protecting vulnerable people, managing offenders, and perhaps worryingly, leadership and force management.

On the positive side, Avon and Somerset was found to be good at preventing crime and using police powers and public treatment. We still have a long way to go. But Avon and Somerset is making steps in the right direction on several fronts. Chief Constable Sarah Crew and her deputy, John Reilly, continue to argue that Avon and Somerset is under-funded, compared to other police forces nationally, with similar responsibilities, with a major city like Bristol to police, as well as a geographically large area. The force has received an increase in central government funding this year in line with a government declaration to deliver 13,000 more police officers nationally.

As my colleague and fellow Panel member Julie Knight points out, despite a rise in central government funding, Avon and Somerset Police still needs to make £6.4 million in savings this financial year to balance its budget. This is worrying.

A pause in the recruitment of Police Community Support Officers – to save money – has now been lifted, and PCSO recruitment is underway again. And with development of a new Crime Plan promising a boost to neighbourhood policing among other pledges, Commissioner Moody is aiming for an overall improvement in performance from Avon and Somerset Police.

The Panel has set up a Public Confidence sub-committee which is due to report in June on how the Constabulary is trying to build public trust.

In April myself and fellow Panel members – Councillors Raj Sood from South Gloucestershire, and Cara Lavan and Lisa Durston from Bristol City Council, along with many others, attended the launch of a new comprehensive victim support service funded by Commissioner Clare Moody, the Ministry of Justice,

Bristol City Council, and NHS England South-West.

Representatives from various support organisations, including Safelink, Lighthouse, Unseen, and One25, now offer a unified service to the victims of crime in Avon and Somerset. This development should help build confidence among crime victims that their voices are heard, and that they will receive appropriate support if desired.

In an effort to specifically improve response within the criminal justice to victims of rape and sexual assault, Operation Soteria/Bluestone, a programme designed in Avon and Somerset to target and respond appropriately to rape and serious sexual assault offences is now being used as a template for response to these crimes nationally.

Councillor Peter Crew (North Somerset)



As part of the Budget Task Group, I have been working on the Budget over the last couple of years. I have found this challenging, drilling down to the nitty gritty, looking for savings and commitments. This year Paul Butler, Chief Finance Officer, has joined part of our meetings, which has been useful.

With the knowledge gained, it made it easy for me to lead the Budget debate with the Chief Constable and obtain a promise that the Neighbourhood Teams will be fully manned as soon as possible, and should we lose any more PCSOs, replacements will be recruited. I hope we continue this group to ensure we can be seen providing value for money from the service.

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Bath & North East Somerset Council		
MEETING	Full Council	
MEETING DATE:	22 nd May 2025	
TITLE:	Licensing Act 2003 Review of Statement of Licensing Policy	
WARD:	All	
AN OPEN PUBLIC ITEM		
List of attachments to this report: Appendix 1- Responses to the public consultation with officer recommendations. Appendix 2- Proposed Statement of Licensing Policy. Appendix 3- Present Statement of Licensing Policy.		

1 THE ISSUE

- 1.1 Section 5 of the Licensing Act 2003 ('the Act') requires a Licensing Authority to prepare and publish a statement of its licensing policy at least every 5 years. During the five-year period the policy must be kept under review and the Licensing Authority may make any revisions to it as it considers appropriate.
- 1.2 The adopted 2019 policy has been kept under review during the 5 years since its adoption. Drafting of this proposed policy commenced in 2024, however due to resourcing, it has not been possible until now to get this proposed policy before Full Council for their consideration.
- 1.3 Unlike the 2019 Statement of Licensing Policy (SOLP), this proposed policy does not include a Cumulative Impact Assessment (CIA). The previous CIA expired in 2022, and opinion is being sought from the Police whether the evidence exists to reintroduce this provision. The future intention is to review both the CIA and the SOLP on a three-year cycle. This will avoid future lapses.
- 1.4 If evidence is forthcoming to support the re-introduction of a CIA, a statutory consultation will take place. Subject to the outcome of that consultation, consideration will be given to formally adopting the CIA and this would result in a revision to the SOLP.

- 1.5 This report identifies the findings of a public consultation exercise and provides recommendations to Full Council about adopting the SOLP following consideration by the Licensing Committee in April 2025.

2 RECOMMENDATIONS

The Full Council is asked to.

- 2.1 Note the responses to the public consultation exercise and to accept the officer recommendations in Appendix 1.
- 2.2 Note that the proposed policy was placed before the Licensing Committee on 24 April 2025 and has received their input and approval for the policy to proceed to Full Council for its consideration.
- 2.3 Adopt the revised Statement of Licensing Policy in Appendix 2.

3 THE REPORT

- 3.1 The Council has completed a 12-week public consultation on the review of the SOLP which it is obliged to do at least every five years.
- 3.2 The SOLP explains how the Licensing Authority will exercise its licensing functions under the Licensing Act 2003. Central to the Licensing Policy Statement is the promotion of the four licensing objectives:
- The prevention of crime and disorder
 - Public Safety
 - The prevention of public nuisance
 - The protection of children from harm
- 3.3 43 Responses were received through the consultation, respondents were asked whether they agreed or not with the consultation draft and were invited to make comment. 17 respondents stated they agreed with the draft; 14 stated they did not know/did not choose to state whether they agreed or not and 12 stated they disagreed. The full consultation commentary and officer response to each is provided in Appendix 1 including a description of the changes made to the proposed policy.
- 3.4 Following the public consultation, consideration of the responses received and the input of the Licensing Committee the proposed SOLP is provided at Appendix 2.
- 3.5 In accordance with section 5 of the Act, the public consultation included the statutory persons/bodies required.

4 STATUTORY CONSIDERATIONS

- 4.1 The basis for this report stems from a statutory duty on the Council to review its SOLP every five years.

5 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

- 5.1 There are no financial, property or people implications presented by the adoption of this policy.
- 5.2 Costs for the licensing function will continue to be met from current licence fees. Fees are reviewed on a periodic basis to ensure that they are set at a level which cover costs only, although certain fees are set by statute and cannot be locally set.

6 RISK MANAGEMENT

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 Licensing Act 2003 and therefore the Statement of Licensing Policy is prescriptive and does not take account of the climate change agenda at this time. We look forward to changes in legislation which will allow the Council to take this into consideration in the future. In the meantime, individual applicants are encouraged to consider climate change issues in the operation of their businesses (if applicable).

8 OTHER OPTIONS CONSIDERED

- 8.1 None.

9 CONSULTATION

- 9.1 Advice has been sought from the Council's Monitoring Officer and Section 151 Officer who have had the opportunity to input to this report and have cleared it for publication.
- 9.2 A 12-week public consultation process has been carried out involving the following groups:
- All statutory consultees as required by section 5 of the Licensing Act 2003,
 - persons/bodies representative of local holders of premises licences,
 - All club premises certificates and personal licences holders,
 - All Premises Licence holders,
 - All Councillors, Parish and Town councils,
 - Residents Associations,
 - Licensing Agents
 - Further Education Institutions

- West of England Mayoral Combined Authority.

Contact person	Mike Dando – 01225 477946
Background papers	https://assets.publishing.service.gov.uk/media/67b73b7b78dd6cacb71c6ac8/Revised_guidance_issued_under_section_182_of_the_Licensing_Act_2003_-_October+2024+1.pdf
Please contact the report author if you need to access this report in an alternative format	

APPENDIX 1-DRAFT STATEMENT OF LICENSING POLICY 2025

PUBLIC CONSULTATION RESPONSES

Response Number	Person(s) Making Response	Para-graph	Comments	B&NES Officer Response	Recommendation
1	Direct e-mail to Licencing. Poppleston Allen	N/A	<p>Many thanks for the email. I note the CIA lapsed in 2022; however, the draft policy references the previous CIA and provides the map at Annex 1.</p> <p>Please could you confirm if you are reviewing the CIA and looking to reintroduce it?</p> <p>I look forward to hearing from you.</p>	<p>In reply to your enquiry the answer is yes to consulting on reintroducing the CIA.</p> <p>The Police have produced some evidence as to the requirement for the CIA to be reintroduced and more evidence is expected.</p> <p>Once all the information has been received a public consultation will commence to gather views on reintroducing the CIA.</p>	No changes to proposed policy.
2	Direct e-mail to Licencing. Licensee.	N/A	<p>Hi Good afternoon Dear Aled Williams MCIEH I do sale only fast food takeaway. not sales alcohol or tobacco. Do I need to feel this form ? Many thanks have a nice week</p>	<p>In reply to your question, this is a Public Consultation so you may, if you wish make comments on any part of the published document.</p>	No changes to proposed policy.

Response Number	Person(s) Making Response	Paragraph	Comments	B&NES Officer Response	Recommendation
3	Direct e-mail to Licencing. Licensee.	N/A	The only issue I had with the process was that when I tried to pay online my reference was not recognised and therefore failed to pay on several attempts. This also happened last year. Otherwise, I have no other comments.	Thank you for your comment below. This appears to be a clerical error and if you have problems in the future, please contact licensing@bathnes.gov.uk as soon as you encounter any difficulties.	No changes to proposed policy.
4	Direct e-mail to Licencing TLT	N/A	Good afternoon and happy New Year all. Can I ask if there is a word document we might be sent to understand the changes? Or a summary of changes document is one exists, from the existing policy?	In reply to your questions below, please find link to present Statement of Licencing Policy: - https://www.bathnes.gov.uk/statement-licensing-policy/legislation-policies-and-strategies as neither of the documents you request / refer to are available.	No changes to proposed policy.
5	363086	N/A	think that all night clubs should have random checks on how many people are in the club and do random ID checks in the clubs as well as I know one of baths night clubs let in underage people and are always over compassity	Thank you for these comments which are noted with thanks. Night clubs are regularly checked for overcrowding if a condition is on the licence that limits the number of people who can be present.	No changes to proposed policy.

Response Number	Person(s) Making Response	Paragraph	Comments	B&NES Officer Response	Recommendation
				<p>Outside of this it would be a matter for Avon & Somerset Rescue to deal with. Under their fire legislation / regulations.</p> <p>In relation to underage persons present in night clubs, this would depend on the conditions on the Licence as well as the activities, those underage persons are undertaking.</p> <p>Licencing Enforcement Group (LEG) visits are carried out monthly with Police and Fire Officers.</p>	
6	363127		It supports the work of the Council eg: Community Safety, Safer Streets, ASB etc	Thank you for this comment.	No changes to proposed policy.
7	363158		It seems fine though once again represents a further explosion of roles and regulations - when will this end?	Thank you for this comment.	No changes to proposed policy.

Response Number	Person(s) Making Response	Paragraph	Comments	B&NES Officer Response	Recommendation
8	363185		I agree with the proposal, and think it would be a great help in making Bath better place to live, and will attract even more visitors in to help sustain retail business in town, also more lively town will help manage crime rate.	These comments are noted with thanks.	No changes to proposed policy.
9	363091		Nothing wrong with allowing more to people in area	Thank you for this comment.	No changes to proposed policy.
10	363262		This Statement of Licencing Policy appears to cover everything	Thank you for this comment.	No changes to proposed policy.
11	363284		Covers all aspects of the industry	Thank you for this comment.	No changes to proposed policy.
12	363331		It's Window Dressing	Thank you for this comment	No changes to proposed policy.
13	363364		No point changing it	Thank you for this comment In regard to your comment, under the 2003 legislation the Policy must be reviewed every 5 years, Hence the inclusion of Ask for	No changes to proposed policy.

Response Number	Person(s) Making Response	Paragraph	Comments	B&NES Officer Response	Recommendation
				Angela, Drink Spiking and other changes and safety issues brought in since the last review.	
14	363524		No comments	Thank you for this comment.	No changes to proposed policy.
15	364789		A very clear & rounded policy - agree	Thank you for this comment.	No changes to proposed policy.
16	365038 Keynsham Town Council	32.7	<p>"To the best of Keynsham Town Council's understanding the Policy is now statutorily complainant.</p> <p>There is clarity in the document in respect of enforcement.</p> <p>B&NES Council have made reference to Martyn's Law point 32.7 of the Policy statement."</p>	Thank you for these comments.	No changes to proposed policy.
17	Cllr Toby Simon		<p>I've had a quick look at this and in general I think it's OK. A few minor drafting points</p> <ul style="list-style-type: none"> Licencing under the 2003 Act isn't the only form of licencing that the council undertakes so I 	<p>Thank you for these comments.</p> <p>Please see responses below.</p>	Minor text changes but no actual change to proposed policy.

Response Number	Person(s) Making Response	Para-graph	Comments	B&NES Officer Response	Recommendation
		1.5 19,1 37.1	<p>think this policy needs to be specifically referred to as alcohol licencing or 2003 Act licencing</p> <ul style="list-style-type: none"> • Para 1.5 is probably a holdover from earlier versions and can now be removed • Para 19.1 the first sentence feels out of date. • Power 37.1 the cross reference is to page 37" 	<p>Title of the Policy document has been changed.</p> <p>Left this in as it forms part of the description of the City Centre.</p> <p>Minor amendment made to wording.</p> <p>Checked and 38.1 refers to page 36 now.</p>	
18	368494 Saltford Parish Council		<p>"DISAGREE</p> <p>Saltford Parish Council raises valid concerns about B&NES Council's current approach to public awareness and participation in the Licensing process and is responding to highlight an important gap in communication. The absence of proactive measures to inform residents and Parish Councils about ongoing Licensing applications limits the opportunities for public engagement, which is crucial for ensuring transparency and accountability in local decision-</p>	<p>Thank you for your comments.</p> <p>The correct amount of public consultation is undertaken as laid out under the Licensing Act 2003 and the s.182 Licensing Guidance is carried out for each Licensing application, variation etc.</p> <p>This is done by Public Notice at the premises and a Notice placed in a Local Paper if required.</p> <p>There is also a consultation period of 28 days carried out with all the relevant Regulatory</p>	No changes to proposed policy.

Response Number	Person(s) Making Response	Para-graph	Comments	B&NES Officer Response	Recommendation
			<p>making, and need to be taken into account when B&NES Council reviews Licensing Policy.</p> <p>Reinstating the ""weekly list"" of Licensing applications by Ward/area, and making it available via email subscription, would allow residents and Parish Councils to stay informed. This would not only empower them to comment on applications but also foster a greater sense of community involvement in the decision-making process, particularly regarding developments that affect the public's daily lives, such as more establishments being able to open during the evening with the appropriate licence.</p> <p>The current reliance on the Licensing Portal and the expectation that individuals and councils to proactively check it weekly creates an unnecessary barrier to participation in Licensing matters. This policy and approach needs to change. Given that other departments, such as B&NES Council's Planning and Highways, have</p>	<p>Authorities. See para 24,2</p> <p>A link has been provided to all Parish Councils to allow them to carry out checks when they choose to. This is very accessible and there are many filters to allow the search to be targeted. This replaces the weekly list, that was not required the legislation or guidance. The Licensing Section no longer have the resources to undertake this non statutory process.</p> <p>Parish Councils are not a Regulatory Authority or a denoted consultee. Parish Councilors will need to rely on the Notices or News Paper advert, or by being informed by other members of the public / community.</p> <p>Providing access to this weekly list could also have been seen as a potential way of canvassing representations, as the Applicants have already carried out all requirements placed upon them under the</p>	

Response Number	Person(s) Making Response	Paragraph	Comments	B&NES Officer Response	Recommendation
			<p>more accessible communication systems in place, it seems reasonable to suggest that the Licensing Team adopt a similar approach. This could help to ensure that more stakeholders have a chance to make relevant representations on Licensing applications in a timely manner.</p> <p>Saltford Parish Council's concerns, as shared with B&NES Council's Licencing Team directly and with B&NES Association of Local Councils (ALCA), reflect a wider issue in B&NES where public engagement with Licensing matters is limited. With a clear mechanism for communicationâ€”such as a weekly emailed list of applicationsâ€”more individuals and communities would be able to participate meaningfully including those for which the Licencing Consultation is considering. Without such changes, there is a risk that crucial local feedback will be overlooked, impacting the overall quality of decision-making by B&NES Council's Licensing Team.</p>	<p>legislations and guidance, by notifying the Licensing Authority, the RA's, putting up the Notices and placing an advert in a local paper.</p>	

Response Number	Person(s) Making Response	Paragraph	Comments	B&NES Officer Response	Recommendation
			<p>In conclusion, it seems essential that B&NES Council takes steps to actively raise awareness of Licensing applications and provides clear, accessible pathways for public comment. This approach would not only increase engagement but also align with broader strategies for local development and governance, ensuring that the Licensing process is inclusive and well-informed.</p> <p>Should B&NES Council choose to implement this, it would likely enhance transparency and create a more informed public dialogue surrounding Licensing applications on the matters the consultation is looking to address.</p>		
19	368747		<p>"Saltford Parrish Council do not appear to engage with residents on this matter but are inward facing.</p> <p>I do not believe they would positively engage, but use this for their own agenda to prevent positive things happen in the</p>		No changes to proposed policy.

Response Number	Person(s) Making Response	Paragraph	Comments	B&NES Officer Response	Recommendation
			<p>local community.</p> <p>Engaging with them may be of benefit but would need strict rules to ensure unbiased results were avoided and that they were only consulted and not given power to veto things.</p> <p>How many residents have raised issues? Would be interesting to see some data as this appears another controlling approach to demonstrate power over the people.</p> <p>The current process from BANES works well and information is available, communication could be improved but I would not feel comfortable with them being actively involved in decision's as they are often seen as blockers with their own agenda and view and they do not consult very well with residents.</p> <p>Would be interesting to see the volume of residents who have raised such concerns or attended a meeting to discuss it.</p>		

Response Number	Person(s) Making Response	Paragraph	Comments	B&NES Officer Response	Recommendation
20	368756		Data protection no you should not get to look in on people's documents	Thank you for your comment.	No changes to proposed policy.
21	368777		<p>"Would it be possible to publish some data in context of licensing issues. As a local resident in Saltford I am not aware of any issues that have caused problems, and I see few appear on the SPC meeting agenda so presume the numbers are very low.</p> <p>That is not to say there are none but it would help to understand if this is indeed an issue. I trust BANES to ensure appropriate communication would be in place but beyond that I am unclear on why this has appeared as an area of concern."</p>	<p>Thank you for your comment.</p> <p>The Licensing Section do not publish data on licensing issues for any of the BANES Wards etc.,</p> <p>If an issue were to arise around a certain premises or area. Then the Licensing Section would contact those residents directly, that are being or may become effected if such issues were to arise.</p> <p>Anyone wishing to contact the Licensing Section to enquire, report or check something about a licensed premises. Are more than welcome to contact the Licensing Section via: -</p> <p>licensing@bathnes.gov.uk</p>	No changes to proposed policy.

Response Number	Person(s) Making Response	Para-graph	Comments	B&NES Officer Response	Recommendation
22	368783		"The parish council shouldn't have this information they are not qualified people	Thank you for your comment.	No changes to proposed policy.
23	368786		Why should the parish council have this right they do enough damage now on people's planning applications	Thank you for your comment.	No changes to proposed policy.
24	370189		<p>"As an alcohol licensing officer dealing with new premises licence applications on a frequent basis, I would like the policy to consider the permission of conditions to be placed on licences for premises to join local radio schemes for example, the night marshal scheme run by the Bath BID.</p> <p>an example of a condition may be:</p> <p>The Licensee shall become members of the radio system currently in operation between licensees and the Bath Bid Evening and Night Marshal Scheme and shall agree to abide by any contractual agreements made in connection with this facility. In relation to being a</p>	<p>Thank you for your comments.</p> <p>The licensing regime has always been that of a "Light Touch approach."</p> <p>Issuing a standard condition such as this to all premises would be contrary to that approach. As not all premises would require the need to be in contact with the Marshals whilst the premise is open.</p> <p>Certainly, this could be an added condition if the applicant was to voluntarily offer this as part of their Operating Schedule (Annex 2).</p> <p>This could also become an imposed condition (Annex 3) if after a Review called by the</p>	No changes to proposed policy.

Response Number	Person(s) Making Response	Paragraph	Comments	B&NES Officer Response	Recommendation
			<p>member of the radio system the Licensee shall ensure:</p> <p>The equipment is kept in working order at all times.</p> <p>The equipment is kept on at all times the scheme is in operation and the premises are open to the public during these hours.</p> <p>The equipment shall be monitored by the Designated Premises Supervisor or other responsible member of staff.</p> <p>All instances of crime and disorder shall be reported to the Night Marshalls as soon as it is reasonably possible via the radio link.</p> <p>If the Night Marshall scheme was to cease to exist, the premises would be exempt from this obligation.</p>	<p>Police, or other RA or member of the public, with supporting evidence which proved that there was such a need to join such a scheme. Then the Licensing Sub-Committee could impose such a condition.</p> <p>Conditioning the contractual agreement between the premises and the provider. That would not be a Licensing issue.</p> <p>The maintenance and control of such equipment could be condition as is done with CCTV equipment at present.</p> <p>As above, this would need to be a specifically worded condition on any premises licence whether under Annex 2 or Annex 3. So, as no breach of the applied condition could be the fault of the premises if such schemes should cease to be available.</p>	

Response Number	Person(s) Making Response	Paragraph	Comments	B&NES Officer Response	Recommendation
25	Direct e-mail to Licencing Pulteney Estate Residents' Association		<p>Information relating to large events (referred to in Contents and on page 38 of the draft Policy)</p> <p>Public Protection Service Enforcement Policy (referred to in Section 18)</p> <p>Community Safety Plan (referred to in Section 30.1 of the draft Policy)</p> <p>As the consultation is about to close, I do need to receive these asap. I haven't been able to find documents that clearly correspond to these on the B&NES website - but if any of them are available on the website please do feel free to send me the links instead. Many thanks,</p>	<p>Thank you for your comment.</p> <p>In reply to your e-mail please see the inserted links below: -</p> <p>1) Information relating to large events (referred to in Contents and on page 38 of the draft Policy)</p> <p>https://www.bathnes.gov.uk/sage-and-safety-outdoor-events</p> <p>This is the link to the SAGE Team and all of the details that they deal with in regard to large events</p> <p>2) Public Protection Service Enforcement Policy (referred to in Section 18)</p> <p>https://www.bathnes.gov.uk/document-and-policy-library/public-protection-enforcement-policy</p> <p>3) Community Safety Plan (referred to in Section 30.1 of the draft Policy)</p> <p>Please scroll down and click</p>	<p>Proposed Policy Updated with the following actions listed below: -</p> <p>All requested links to guidance's and policies have been added in to the Draft Policy on Page 38 & page 39.</p>

Response Number	Person(s) Making Response	Paragraph	Comments	B&NES Officer Response	Recommendation
				<p>on link.</p> <p>https://www.bathnes.gov.uk/for m/contact-the-community-safety-coh</p> <p>The contact details for the Community Safety Plan Team if the above link is a problem.</p>	
26	371153		<p>"I agree with the majority of the licensing proposal</p> <p>I think the current licensing agreements are fit for purpose</p> <p>However, I do not think that requirement of amplified music should be licensed - larger events are already covered by TENS and making any amplified music is not necessary and will be nearly impossible to enforce leading to confusion and potential abuse "</p>	<p>Thank you for your comments.</p> <p>Amplified music is deregulated between the hours of 0800Hrs and 2300Hrs.</p> <p>The legislation again lays out that only the Police and Environmental Protection, are the consultees in the application of TENS.</p> <p>All complaints and concerns arising during or after an event covered by a TEN are referred back to the Police and the Environmental Protection Team. In case they may wish to make representation when any further TENS are received</p>	No changes to proposed policy.

Response Number	Person(s) Making Response	Paragraph	Comments	B&NES Officer Response	Recommendation
				for future events.	
27	371221		<p>"Monkton Combe Parish Council are in broad agreement with the Statement of Licensing Policy, save for the process for Representations.</p> <p>Whilst you have included â€4. All Ward Councillors and Town and Parish Councils.â€™ As Consultees on this Policy Statement,</p> <p>they are not included in the list of Responsible Authorities to whom â€the applicant must also send copies of the application toâ€™.</p> <p>Nor are they included in the list of Responsible Authority from whom Representations can be made.</p> <p>There seems no mechanism described in this Policy Statement for consulting with, or receiving Representations from Ward Councillors and Town and Parish Councils.</p>	<p>Thank you for your comments.</p> <p>It has always been the case that Ward, Town and Parish Councilors have been part of the consultation process as are any licence holders or members of the public. Along with the RA's that are identified in the Legislation and 182 Guidance.</p> <p>It should be noted that you do not have to be an RA to make a representation. Anyone may make a representation in relation to any application.</p> <p>A member of the public may make a representation if they wish to do so during the 28-day consultation period.</p>	No changes to proposed policy.

Response Number	Person(s) Making Response	Para-graph	Comments	B&NES Officer Response	Recommendation
			<p>Since “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.”TM This would appear to be a significant oversight as it seemingly excludes any local insight and would grant a Licence which was potentially counter to the objectives:-</p> <p>“^a The prevention of crime and disorder.</p> <p>“^a Public safety.</p> <p>“^a The prevention of public nuisance.</p> <p>We suggest that the Policy Statement needs to include provision for Ward Councillors and Town and Parish Councils, to be notified of an application, and to be able to make representations if they think it appropriate.</p> <p>We have also noted that:-</p>	<p>On receipt of the applications the other RAs are notified and as an RA the Police. May request that the applicant agrees to voluntarily add some conditions to negate concerns they may have.</p> <p>As can Avon Fire and Rescue and Licensing (as they also are an RA). This is applicable to all of the RA’s.</p> <p>Anyone can make a representation against an application. Which will remove any significant oversights at a local level.</p> <p>Ward Councilors are informed of applications that are taking place in their Wards. Thus, allowing them to make a representation if they wish to do so.</p> <p>Town and Parish Councilors as stated above can also make</p>	

Response Number	Person(s) Making Response	Para-graph	Comments	B&NES Officer Response	Recommendation
			<p>~27.1. Temporary Event Notices (TEN) 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.™</p> <p>However, consequent on an event in our Parish which gave rise to significant complaint from nearby residents, we would question whether it is appropriate for a TEN to be used to significantly vary and override the existing Licensing and Planning Consent for a Club Premises.</p>	<p>representations as well.</p> <p>The legislation again lays out that only the Police and Environmental Protection, are the consultees in the application of TENS.</p> <p>All complaints and concerns arising during or after an event covered by a TEN is passed back to the Police and the Environmental Protection Team. In case any further TENS are received for future events.</p>	
28	371490		There is too much stipulation that can be interpreted in too many ways	Thank you for your comment.	No changes to proposed policy.
29	372144		too complicated	Thank you for your comment.	No changes to proposed policy

Response Number	Person(s) Making Response	Paragraph	Comments	B&NES Officer Response	Recommendation
30	372245		<p>"It is not clear how the policy will meet the Council's overriding purpose in our Corporate strategy to improve people's lives.</p> <p>I cannot see where the council motion passed in 2023: Get Me Home Safely" has been included. This states:</p> <p>1. work through business and partnership forums to highlight safe travel home concerns and to encourage sharing of best practice, and call on the Licensing Committee to review opportunities to use appropriate licensing processes to include additional criteria when considering late opening applications from licensed premises, such as encouraging venues to provide free transport home for night shift employees;</p> <p>For example, where is it set out that Licensing will include an additional requirement to encourage venues to provide free transport home for night shift employees?</p>	<p>Get Me Home Safely is reference in 32.9 of the policy:</p> <p>32.9. The Licensing Authority is aware of the "Get me Home Safely," campaign and the importance of getting staff safely home at the end of a late-night shift. The Licensing Authority will therefore encourage venues to consider free transport home for night shift employees.</p>	<p>Proposed Policy Updated with the following actions listed below: -</p> <p>32.9 Amended</p>

Response Number	Person(s) Making Response	Paragraph	Comments	B&NES Officer Response	Recommendation
			<p>How will organisations be encouraged to support the Women's Night-Time Safety Charter?</p> <p>Further, this is omitted from the Equality Impact Assessment.</p> <p>The Equality Impact Assessment Improvement Plan has not been completed so there does not seem to be any intention to carry out the principles of getting people home safely, as set out above.</p> <p>Surely the plan should, at least, contain monitoring of the take up and effectiveness of the Women's Night-Time Safety Charter?</p> <p>7.2. Licensing Policy States:</p> <p>The impact of this policy will be monitored through the completion of an Equality Impact Assessment.</p> <p>It is not clear what will be monitored to ensure that the corporate aim of delivering for</p>	<p>Whilst this is a voluntary charter and the Policy does already make reference to all person's safety as in: -</p> <p>"Ask For Angela" (33.6), "VAWG" (31.13), "Get Me Home Safely" (32.9) As well as "Drink Spiking"</p> <p>Licensing Policy monitoring is carried out through communication with the Premises Licence Holder and</p>	<p>Policy has been updated, to direct premises that they may wish to join the voluntary</p> <p>"Women's Night-Time Safety Charter."</p> <p>32.10 introduced</p>

Response Number	Person(s) Making Response	Para-graph	Comments	B&NES Officer Response	Recommendation
			<p>local residents, while protecting the most vulnerable, is achieved.</p> <p>The information against the protected characteristics does not show evidence of a negative or positive impact. The latter should be a concern as you would expect any actions to have a positive outcome.</p> <p>The following statement is a concern:</p> <p>“We do not anticipate potential negative or adverse impacts from this policy. Should any be identified, they will be responded to accordingly.”</p> <p>Suggests that action will only be taken after something has happened. Rather than putting in measures to ensure that those with protected characteristics are not treated less favourably, have equal access and are safeguarded.</p> <p>There is nothing to show what measures are in place to safeguard people who are vulnerable due to their protected</p>	<p>Staff, members of the Public through concerns and complaints as well as through the Licensing Enforcement Group. Lead by the Police through their engagement with members of the Public and Police Intel resources.</p>	

Response Number	Person(s) Making Response	Para-graph	Comments	B&NES Officer Response	Recommendation
			<p>characteristic</p> <p>Monitoring should be set out in the Equality Impact Assessment Improvement Plan which should include intended actions/initiatives.</p> <p>However, there is nothing at all in the plan.</p>		
31	372417		<p>"The consultation fails to explain how the replacement of the Cumulative Impact Area will be replaced by police, B&NES and other ""powers"" of authorities that do not have the capacity or financial resources to police and enforce such powers. The inadequacy of this approach is already demonstrated by the Exclusion Zones that are being used in Bath around Manvers Street Centre and Waitrose. When the MSC exclusion zone was enforced this resulted in displacement of antisocial behaviour out of the City Centre into the residential area of Bathwick (including the riverside path, a route used by many local schoolchildren and tourists).</p>	<p>Thank you for your comments.</p> <p>In reply to your enquiry the answer is yes to consulting on reintroducing the CIA.</p> <p>The Police have produced some evidence as to the requirement for the CIA to be reintroduced and more evidence is expected.</p> <p>Once all the information has been received a public consultation will commence on reintroducing the CIA.</p>	No changes to proposed policy

Response Number	Person(s) Making Response	Paragraph	Comments	B&NES Officer Response	Recommendation
			<p>However, experience as a volunteer at Manvers Street Centre is also sometimes that, when police enforcement is needed, it is unavailable leaving vulnerable individuals in fear. Council officers, on the other hand, are invariably not available to intervene in relation to noise problems outside normal daytime/weekday working hours.</p> <p>The consultation also fails to explain how the relaxation of Licensing Policy is likely to impact on residential areas. If, as appears, this will result in the night-time noise and anti-social behaviour of the City Centre starting to spread from the former CIA into nearby residential areas, it will severely impact liveability in these areas. It will also be contrary to other local policies such as those in the Local Plan on amenity.</p> <p>Noise ingress into homes causes and exacerbates sleep disturbance, mental health conditions, childhood development deficits, childhood</p>	<p>There is no relaxation in the Licensing Policy only the CIA is not present. Which as explained above may return pending evidence from the Police and consultation.</p>	

Response Number	Person(s) Making Response	Para-graph	Comments	B&NES Officer Response	Recommendation
			<p>behavioural problems, and detriment to the life chances of children and young people. Preservation of residential areas from these impacts is paramount.</p> <p>I attempted two weeks before consultation closure to obtain clarification with regard to the legal and other likely impacts of abandonment of the CIA but this was not forthcoming.</p> <p>The consultation also fails to explain how noise nuisance from Licensed Premises will be dealt with. This is becoming a serious threat to Bath's reputation as a centre for classical and literature festivals, destroying the experience of concerts at important venues such as Bath Abbey due to the intrusive uncontained noise from nearby Licensed Premises.</p>		
32	372452		<p>Could we request that guidance for late night venues includes ensuring that if young people/students are leaving the venue intoxicated that they are in the company of others / safely put into taxis / accompanied to a</p>	<p>Thank you for your comment</p> <p>The venues at present have access to the Street Marshalls through radio contact and thus access to the Police and Medics if required to deal with</p>	<p>Proposed Policy Updated with the following actions listed below: -</p> <p>The Policy has been amended by</p>

Response Number	Person(s) Making Response	Paragraph	Comments	B&NES Officer Response	Recommendation
			safe space, eg safe bus.	<p>concerns you are addressing.</p> <p>The Policy will be updated to ensure that all Applicants are informed that Street Marshals and Medics are available to carry out such escort duties.</p>	<p>informing all Applicants about the availability of Night Marshals, Police and Medics, availability if required.</p> <p>Also, recommendations on dealing with intoxicated persons. When the are leaving the premises. 32.11</p>
33	372017		Yes	Thank you for your comment	No changes to proposed policy
34	371125		Yes	Thank you for your comment	No changes to proposed policy
35	368783		No	Thank you for your comment	No changes to proposed policy
36	368755		No	Thank you for your comment	No changes to proposed policy

Response Number	Person(s) Making Response	Paragraph	Comments	B&NES Officer Response	Recommendation
37	368494		No Disagree	Thank you for your comment	No changes to proposed policy
38	367499		No Disagree	Thank you for your comment	No changes to proposed policy
39	364789		A very clear & rounded policy - agree	Thank you for your comment	No changes to proposed policy
40	363524		Yes no comment	Thank you for your comment	No changes to proposed policy
41	363065		Yes	Thank you for your comment	No changes to proposed policy
42	363052		Yes	Thank you for your comment	No changes to proposed policy
43	363043		Yes	Thank you for your comment	No changes to proposed policy

Statement of Licensing Policy

Licensing Act 2003

INDEX

	Page
1 Introduction	1
2 Purpose	2
3 Licensing Objectives	3
4 Licensable Activities	4
5 Types of Authorisations	5
6 General Principles	5
7 Consultees	6
Legislation, Policies and Strategies	6
8 Legislation	6
9 Relationship with Planning Policies	7
10 Relationship with Building Control	7
11 Provisional Statements	7
12 Integrating Strategies	8
13 Regulated Entertainment	8
14 Cumulative Impact	9
15 Control of Anti-Social Behavior, Crime and Disorder away from Licensed Premises	12
Administration of Licensing Functions	13
16 Applications	13
17 Licensing Hours	14
18 Conditions	15
19 Enforcement	15
20 Drugs and Drink Spiking Policy	16
21 Operating Schedules	17
22 Premises Licences	18
23 Provisional Statements	18
24 Club Premises Certificates	19
25 Variation of Premises Licence or Club Premises Certificate	20
26 Personal Licences	21
27 Designated Premises Supervisors	21
28 Temporary Event Notices	22
29 Transfer of Premises Licence	23
30 Interim Authority Notices	23
Licensing Objectives	26

31	<u>Prevention of Crime and Disorder</u>	26
32	<u>Public Safety</u>	27
33	<u>Prevention of Public Nuisance</u>	29
34	<u>Protection of Children from Harm</u>	31
	<u>Complaints Regarding Licensed Premises</u>	31
35	<u>The Management of Complaints</u>	31
36	<u>How to Make a Complaint or Contribute to a Review</u>	31
	<u>Decision Making</u>	32
37	<u>Licensing Committee Terms of Reference</u>	32
38	<u>Allocation of Decision-Making Responsibilities</u>	32
39	<u>Relevant Representations</u>	32
40	<u>Other Considerations</u>	33
41	<u>Reviews</u>	33
42	<u>Summary Reviews</u>	34
43	<u>Appeals</u>	34
44	<u>Fees</u>	34
45	<u>Late Night Levy</u>	34
46	<u>Equalities Act 2010</u>	34
	<u>Table of Delegations of Licensing Functions</u>	35
	<u>Further Information</u>	36
	<u>Annex 1 Assistive Modern Day Slavery Conditions</u>	45

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, restaurants and other similar establishments, 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 Council has worked in partnership to bring to Bath a modern shopping 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.
- 1.6. 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).
- 1.7. Licensing is about regulating the use of premises, including qualifying clubs, for licensable activities and temporary events within the terms of the Act.
- 1.8. 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 licensed premises are 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 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 such occasion give reasons for this departure.
 6. 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*).
 7. 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. It was last reviewed in 2019 and published in January 2020.
- 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 behaviour, 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. It also has a detrimental impact on residential communities.

- 2.4. When considering any relevant representations to an application for a licence or in respect of a review of a licence, where there is a clear causal link between sales promotions or price discounting and levels of crime and disorder or public nuisance in or near the premises, the Licensing Authority may consider imposing conditions prohibiting irresponsible sales promotions at the relevant premises, but not so as to duplicate the provisions of the Licensing Act 2003 (Mandatory Licensing Conditions) Order 2014.
- 2.5. It is expected that when promoting low priced alcohol, all premises will be considerate of the effect such promotions are having on young and vulnerable persons within the population. 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.
- 2.6. 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 underage.

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 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 always 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. In accordance with the Secretary of State's Guidance, the Licensing Authority acting as a Responsible Authority 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. The Licensing Team will use its status as a Responsible Authority on a case-by-case basis, when other Responsible Authorities have chosen not to act, and a view is taken that there is a need to do so.
- 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 Licensing Authority recognises that excessive alcohol consumption leads to poor health which, in turn, places burdens on local health services. The Licensing Authority supports initiatives to reduce the misuse of alcohol for example, supporting Trading Standards colleagues to carry out under-age sales operations. The negative effects relating to alcohol misuse continue to be more widely addressed within Bath & North East Somerset's Alcohol Harm Reduction Strategy and subsequent revisions.

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).

5. 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 Sub Committee for determination. These decisions are made in accordance with the table of delegated functions found at the end of this Policy.

6.2. The Licensing Sub 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 Licensing Sub Committee members 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 conditions as indicated in paragraph 41 (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 18 (Conditions) the only conditions which should be imposed on a Premises Licence or Club Premises Certificate are those which are appropriate, 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 19 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 39 (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.
- 6.12. Where appropriate and necessary, the Licensing Authority will seek advice about safeguarding issues from relevant Council officers to ensure that any safeguarding issues are effectively addressed.

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.
 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. The Human Rights Act 1998, with particular regard being given to Article 6, Article 8 and Article 1 of the first Protocol.

3. The Equalities Act 2010.

8.2. The impact of this policy will be monitored through the completion of an Equality Impact Assessment.

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. The Licensing Authority notes the expectation that existing licensed businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established.

9.5. In addition, if an application is granted by the Licensing Authority which involves a material change of use or alteration to a building, this would not relieve the applicant of the need to apply for planning permission.

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 23 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. Integrating Strategies

- 12.1. The Licensing Authority will (where appropriate) integrate national and local strategies which impact on the licensing objectives and encourage vibrant, sustainable communities in line with Bath & North East Somerset's Vision and Priorities.

13. Regulated Entertainment

- 13.1. 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.
- 13.2. 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.
- 13.3. The Licensing Authority will ensure that only appropriate, proportionate, and reasonable licensing conditions are attached to such authorisations.
- 13.4. 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. However, any external organiser wishing to host an event within these public spaces would require the permission of the Council and would need to apply for a premises licence or submit a Temporary Event Notice, according to the proposed activities, timings and the number of persons expected to be in attendance.
- 13.5. Performances of live music have been further encouraged following the Government's partial deregulation of entertainment activities. 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:
- on any day, and at any time between 08:00 and 23:00 hours; and
 - before an audience of no more than 500 people.
- 13.6. 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.

- 13.7. 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 re- instated or new conditions to be added.
- 13.8. 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.
- 13.9. 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.

14. Cumulative Impact Assessment

- 14.1. Cumulative Impact has been included within the Section 182 guidance issued by the Home Office since the commencement of the Act. Cumulative Impact Assessments were introduced at Section 5A of the Act by the Police and Crime Act 2017. This provides provision for Licensing Authorities to publish a document, 'Cumulative Impact Assessment', stating that the Licensing Authority considers that the number of relevant authorisations in respect of premises in one or more parts of its area, described in the assessment, is such that it is likely that it would be inconsistent with the authority's duty under the Act to grant any further relevant authorisations in respect of premises in that part or those parts.

Relevant authorisations means:

- Premises Licence
- Club Premises Certificate

- 14.2. Cumulative Impact means the potential impact on the promotion of the licensing objectives where there are a significant number of licensed premises concentrated in one area. Cumulative Impact Policies (CIPs) may relate to premises licensed to carry on any licensable activity, including the sale of alcohol for consumption on or off the premises, and the provision of late-night refreshment. This includes late-night fast-food outlets which are not licensed to sell alcohol.
- 14.3. Within a designated cumulative impact area, there is a rebuttable presumption that applications for new premises licenses or variations to existing licenses will be refused if relevant representations are made. This presumption can be rebutted if the applicant can demonstrate that their proposed operation will not adversely affect the licensing objectives.

- 14.4. Applicants are required to provide evidence that their premises will not contribute to the cumulative impact identified in the area. This may include measures to prevent crime and disorder, ensure public safety, prevent public nuisance, and protect children from harm.
- 14.5. If no relevant representations are received, the application must be granted, subject to conditions consistent with the operating schedule.
- 14.6. Bath & North East Somerset Council did have a Cumulative Impact Assessment in place until 2023, when it lapsed. The Cumulative Impact Assessment had been created in accordance with section 5A of the Licensing Act 2003 and section 141 of the Policing and Crime Act 2017.
- 14.7. Bath & North East Somerset Council's Licencing Section is presently engaging with Avon and Somerset Police and the Council's Environmental Protection Section to identify if there is an evidential basis for introducing a new cumulative impact assessment.
- 14.8. If the evidence provided by Avon and Somerset Police and the Council's Environmental Protection Section indicate the need for a re-introduction of a Cumulative Impact Assessment within the Bath City area, a statutory consultation will be entered into, which may lead to a reinstatement of a Cumulative Impact Assessment.
- 14.9. Whilst the Cumulative Impact Area lapsed in 2023, the licensing policy is not the only means of addressing such problems. Other controls include:
- Planning controls
 - CCTV
 - Provision of transport facilities including taxi ranks
 - Public Space Protection Orders (PSPO)
 - Police powers
 - Closure powers
 - Positive measures to create safer, cleaner and greener spaces.

15. Control of Anti-Social Behaviour, Crime and Disorder away from Licensed Premises

- 15.1. 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.
- 15.2. 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. Positive measures to create a safe and clean town centre environment in

partnership with the Bath Business Improvement District (BID), local businesses, transport operators and other departments of the Council.

2. The provision of CCTV surveillance in town centres, ample taxi ranks, provision of public conveniences open late at night, street cleaning and litter patrols.
 3. Police enforcement of the general law concerning disorder and anti-social behaviour, including the issuing of fixed penalty notices for relevant offences.
 4. The prosecution of any personal licence holder or member of staff at such premises who is selling alcohol to people who are drunk.
 5. The confiscation of alcohol from adults and children in designated areas. If anti-Social Behaviour is believed to have taken place or is likely to take place.
 6. 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.
 7. The power of the police, other responsible authorities, or any other person to seek a review of the licence or certificate in question.
- 15.3. The Licensing Authority will endeavour to work in partnership with others to promote common objectives.

Administration of Licensing Functions

16.Applications

- 16.1. Incomplete applications will not be accepted. Applications will only be considered where the relevant documentation and the fee accompany them.
- 16.2. 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.
- 16.3. 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.
- 16.4. 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 residents' association.
- 16.5. The Licensing Authority actively encourages applicants to liaise with relevant

Responsible Authorities such as the Police or Fire Service prior to applying. This will allow the applicant to address any concerns raised within the operating schedule.

- 16.6. The Council offers a pre-application advice service to businesses to enable them to access relevant guidance tailored to their application. Information about this service can be accessed via:

<https://beta.bathnes.gov.uk/premises-licence>

17. Licensing Hours

- 17.1. With regard to licensing hours the Licensing Authority will consider each case on its individual merits.
- 17.2. 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.
- 17.3. The Licensing Authority will give due regard to the Guidance in relation to terminal hours and would not wish to inhibit the development of safe evening and night-time local economies.
- 17.4. 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.
- 17.5. 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.
- 17.6. 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.

18. Conditions

- 18.1. 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.
- 18.2. 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.

- 18.3. 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.
- 18.4. 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 will not simply replicate the wording from an applicant's operating schedule and acknowledges the concept of "bespoke" licensing. Accordingly, it will only impose conditions that are both proportionate and appropriate to the business, organisation, or individual premises concerned. There will be no standard conditions but for the from Mandatory Conditions prescribed by The Licensing Act 2003 (Mandatory Licensing Conditions) (Amendment) Order 2014.

19. Enforcement

- 19.1. All enforcement actions will be carried out in accordance with the Public Protection Service Enforcement Policy. This is based around the principles of consistency, transparency, and proportionality, as set out in the Government's Enforcement Concordat.
- 19.2. 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.
- 19.3. The Licensing Authority will seek to work actively with the Police, via the Licensing Enforcement Group (LEG). 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.
- 19.4. The Licensing Authority will employ officers to investigate allegations of unlicensed activities and to ensure all conditions are fully complied with.

20. Drugs and Drink Spiking Policy

- 20.1. 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 and taking account of any relevant

government guidance. Premises should have a robust drugs policy which assists operators in identifying the risks of drugs associated with events and contains effective measures to safeguard the welfare of both customers and staff.

20.2. The Statutory Guidance issued under s182 of the Licensing Act 2003 at paragraph 2.7 includes “information about spiking.” The Licensing Authority will work closely with the Police and support the Police in prosecuting offences under sections 23 and 24 of the Offences Against the Person Act 1861.

20.3. The Licensing Authority expects all licensed premises to have a robust Anti Drink Spiking policy setting out effective measures to identify and prevent incidents of spiking for the welfare of customers and staff. This policy should include staff training and an incident book or record to document incidences of spiking, and subsequent actions taken.

21. Operating Schedules

21.1. 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.

21.2. 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.

21.3. 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.

21.4. 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.

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 security staff etc.
- g. The suitable and sufficient measures to be implemented to prevent incidents of drink spiking. For example, and not limited to,
 - Procedures to prevent incidents of drink spiking.
 - Procedure to deal with incidents of drink spiking.
 - Training that will be put in place for staff to raise awareness about the threat of drink spiking
- h. Any other prescribed matters.

21.5. The Guidance produced by the Secretary of State under Section 182 of the Act (amended February 2025) 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.

22. Premises Licences

22.1. 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.

22.2. 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.

- 22.3. 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.

23. Provisional Statements

- 23.1. Where premises are being, or are to be, constructed for the purpose of being 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.
- 23.2. 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.
- 23.3. Applications for Provisional Statements will be dealt with in a similar manner as applications for a Premises Licence. See also paragraph 21 relating to Operating Schedules.
- 23.4. 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 18), rule out any of the licensable activities applied for, or to reject the application.

24. Club Premises Certificates

- 24.1. 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.
- 24.2. 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
- 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 responsible authorities will pass to the Licensing Authority.

24.4. 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.

25. Variation of Premises Licence or Club Premises Certificate

25.1. Applications to vary substantially 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.

25.2. 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.

25.3. 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

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

25.4. 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.

25.5. 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. These 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.

26. Personal Licences

26.1. 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.
- e. Their right to work in the UK and provide the relevant documentation.

The Authority will reject any application where points a, b, c or e above are not met.

26.2. 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.

27. Designated Premises Supervisors

- 27.1. 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.
- 27.2. 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.
- 27.3. A joint interview between the Licensing Authority, Police and applicant may be arranged where the Police are minded to objecting to the variation of a DPS on the grounds that such a variation may undermine the Prevention of Crime and Disorder objective.
- 27.4. 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.

28. Temporary Event Notices

- 28.1. 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 will only intervene if the limits on the number of notices given are exceeded.
- 28.2. A "Standard" TEN requires an organiser of a temporary event to give the Licensing Authority a minimum of 10 clear working days' notice.
- 28.3. A "Late" TEN is a TEN received by the Licensing Authority 5–9 clear working days prior to the day of the event.
- 28.4. "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.

28.5. 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. Unlike a Standard TEN 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.

28.6. 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.

29. Transfer of Premises Licences

29.1. 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.

29.2. 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.

29.3. 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.

30. Interim Authority Notices

30.1. 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.

30.2. 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.

- 30.3. At the end of the three months, it will lapse unless an application for a transfer of premises licence holder is made.
- 30.4. 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.
- 30.5. 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

31. Prevention of Crime and Disorder

- 31.1. 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.
- 31.2. The Council has introduced measures to assist in the management of this, including the provision of Bath Nightwatch, BID Marshals and Night 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 licensed 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 & Night Marshals/FAST ambulance, and the Street Pastors.
- 31.3. The Licensing Authority will consider whether the grant of an application will result in an increase in crime and disorder.
- 31.4. 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.
- 31.5. The Licensing Authority will continue to play an active part in the development of Pub watch/Nightwatch and other such schemes.
- 31.6. 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.

31.7. 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.
6. Any other such measures as may be appropriate, such as participation in Nightwatch/Pub watch 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 to reduce crime and disorder.

31.8. The Licensing Authority would also recommend that all Designated Premises Supervisors undergo appropriate additional training and have experience commensurate with the nature and style of entertainment provided and capacity of the premises.

31.9. To address concerns of modern-day slavery the Licensing Authority has developed a working partnership with the Home Office, particularly the Immigration Enforcement Service. Joint premises visits are carried out by request from

Immigration Enforcement.

- 31.10. Any concerns relating to modern day slavery that are brought to the attention of Licensing Officers by way of planned, routine and or ad hoc visits are passed to the Police through the Licensing Enforcement Group (LEG), whether through the LEG meetings or directly to Police at the time of a report or incident.
- 31.11. In order to assist applicants Annex 1 contains a suite of conditions designed to promote the crime prevention objective and aimed at preventing illegal working in licensed premises as appropriate.
- 31.12. The Licensing Authority has been and will continue to work closely with the Police who lead on the prevention of Violence Against Women and Girls (VAWG).
- 31.13. To assist in the prevention of violence against women and girls the Licensing Authority takes the opportunity to draw attention to the following amendments to the section 182 Guidance: -

Paragraph 2.7 reads:

“The objective to crime under the Licensing Act 2003 would include taking measures to prevent incidents of spiking which would usually be prosecuted under section 23 and 24 of the Offences Against the Person Act 1861, and section 61 of the Sexual Offences Act 2003. The following examples are within the range of behaviours that would be considered spiking. This list is not exhaustive:

- A) Putting alcohol into someone’s drink without their knowledge or permission.
- B) Putting prescription or illegal drugs into an alcoholic or non-alcoholic drink without their knowledge or permission
- C) Injecting another person with prescription or illegal drugs without their knowledge or permission
- D) Putting prescription or illegal drugs into another person's food without their knowledge permission
- E) Putting prescription or illegal drugs into another person's cigarette or vape without their knowledge or permission”.

Paragraph 10.10 (which requires the Committees to consider the proportionality of measures they impose on licences) has also been amended to reference

spiking:

“Licensing authorities may also wish to consider placing additional conditions on licences to safeguard patrons against spiking, if deemed appropriate and proportionate for a specific venue where there is evidence to justify such action (a definition of spiking can be found in para 2.7 above).”

32. Public Safety

- 32.1. 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.
- 32.2. 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.
- 32.3. 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.
- 32.4. From time-to-time premises are inspected by Council Officers, the Police and/or the Fire and Rescue Service for purposes of ascertaining compliance with the Act or associated Legislation or Regulations.
- 32.5. During the application period the Responsible Authorities might decide to carry out their own inspections.
- 32.6. 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 firefighting equipment and CCTV etc. are put in place and maintained if this is not adequately provided for by other regulatory regimes.

- 32.7. 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.
- 32.8. 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.
- 32.9. Bath & North East Somerset Councils Corporate Strategy has one clear purpose, to improve people's lives. In November 2023 a motion titled "Safe Travel Home For Night Economy Workers" was passed at full Council. This motion called on the Licensing Authority to include additional criteria when considering late opening applications from licensed premises, such as encouraging venues to provide free transport home for night shift employees and the Licensing Authority will therefore encourage venues to act accordingly.
- 32.10. Applicants will be directed to be made aware of and encouraged to consider joining the voluntary, "Women's Night-Time Safety Charter."
- 32.11. Applicants will be informed of or reminded that in such circumstances as but not limited to when members of the public are seen to leaving the venue intoxicated, members of staff should enquire if those persons are in the company of others; require help to enter Taxis or Private Hire vehicles; or asked if they require the service of a Night Marshall if the situation warrants such action.
- 32.12. With the introduction of the Protect Duty (Martyn's Law) on April 3rd 2025, The Licensing Authority will work closely with the Security Industry Authority (SIA), who are the Regulator for the Act. The Licensing Authority itself will comply with all duties and actions that the Act will now imposes upon it.

These are expected to include but not be limited to: -

- 1) The inspecting of documentation relating to the premises.
- 2) The inspection of the premises itself.
- 3) The introduction of controls as to what materials are made available to the public.

33.Prevention of Public Nuisance

- 33.1. The Licensing Authority is concerned to protect the amenity of residents and businesses in the vicinity of licensed premises.

33.2. 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.

33.3. 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.

33.4. The Licensing Authority will consider in particular:

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.

- 33.5. The role of the Licensing Authority is to maintain an appropriate balance 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.
- 33.6. The Licensing Authority is also working with the Police who are the lead for “Ask for Angela” - an initiative regarding promoting safety for those members of the public receiving unwanted attention from other persons using licensed establishments. See <https://askforangela.co.uk/>
- 33.7. The Licensing Authority encourages licensees and staff employed at licensed premises to have a robust knowledge of the “Ask for Angela” initiative. Premises are encouraged to keep staff training records, logs of any incidents occurring at the premises, as well as all details of actions taken by the licensee or staff members in relation to any incident(s) concerning this initiative.

34. Protection of Children from Harm

- 34.1. 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.
- 34.2. It is hoped that family friendly premises will thrive, but the risk of harm to children remains a paramount consideration when determining applications.
- 34.3. 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.
- 34.4. 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.
- 34.5. 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.
- 34.6. The Licensing Authority will judge the merits of each application before deciding whether to impose conditions limiting the access of children to individual premises.
- 34.7. 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 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.
- 34.8. 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.
- 34.9. 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.
- 34.10. 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.
- 34.11. The Licensing Authority recommends that where appropriate; applicants familiarise themselves with the Drink Aware 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.
- 34.12. 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.

34.13. 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.

34.14. 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.

34.15. 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.

34.16. The Licensing Authority will expect the Operating Schedule to satisfactorily address safety issues including the supervision of children.

Complaints Regarding Licensed Premises

35. The Management of Complaints

35.1. The Licensing Authority will investigate all complaints against licensed premises with regard to matters relating to the four licensing objectives. If possible, in the first instance, the complaint should be raised directly with the licence holder or business concerned to seek a local resolution. If this is not possible then residents can contact their local Resident's Association to act on their behalf or contact the Licensing Team directly.

35.2. 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.

35.3. 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.

36. How to Make a Complaint or Contribute to a Review

36.1. Any person wishing to make a complaint about a licensed premises can contact the Licensing Team in the following ways:

By email: licensing@bathnes.gov.uk

Via the website: <https://www.bathnes.gov.uk/report-licensed-premises>

By telephone: 01225 477000

In person at any of the Council's One Stop Shops

36.2. Information about submitting a representation can be found on the Council's website at:

<https://www.bathnes.gov.uk/object-premises-licence-application-make-representation>

Decision Making

37. Licensing Committee Terms of Reference

37.1. 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.

38. Allocation of Decision-making Responsibilities

38.1. The table on page 35 duplicates the Table of Delegations of Licensing Functions as set out in the Council's Constitution.

39. Relevant Representations

39.1. 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.

39.2. 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.

39.3. Representations may take the form of an objection, or be positive, and express support of the application.

39.4. A representation will not be relevant if the case officer deems it to be frivolous or

vexatious.

39.5. Representations made by any Responsible Authority or other person which are subsequently withdrawn, will not be regarded as “relevant”.

39.6. ‘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
- k. Any other Authority as may be prescribed by Regulations.

39.7. 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.

40. Other Considerations

40.1. 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.

41. Reviews

41.1. 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.

41.2. 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.

- 41.3. 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.
- 41.4. 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.
- 41.5. 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.
- 41.6. 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.
- 41.7. Where a relevant application is received the Licensing Authority will advertise the application and hold a hearing to determine the review application.
- 41.8. 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.
- 41.9. 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.

42. Summary Reviews

- 42.1. Summary reviews can be undertaken when the police consider that the premises concerned are associated with serious crime or serious disorder (or both). The summary review process, set out under sections 53A-53D of the 2003 Act allows steps to be taken in respect of a licence including a fast-track licence review.
- 42.2. The powers apply only where a premises licence authorises the sale of alcohol. They do not apply in respect of other premises licences, or to premises operating under a club premises certificate. The powers are aimed at tackling serious crime and serious disorder, in particular (but not exclusively) the use of guns and knives. The powers complement the general procedures in the 2003 Act for tackling crime and disorder associated with licensed premises and should be reserved for the most serious matters which cannot be adequately or otherwise redressed unless urgent action is taken.
- 42.3. Separate powers in the Anti-social Behaviour, Crime and Policing Act 2014 provide for the instant closure of premises by the police in some circumstances (in

essence, disorder or nuisance). The consequent review of premises licences by the licensing authority is provided for by section 167 of the Licensing Act 2003.

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.

44. Fees

44.1. 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 reviewed as necessary.

45. Late Night Levy

45.1. This is a power conferred on Licensing Authorities by the Police Reform and Social Responsibility Act 2011 which enables a levy to be charged from 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.

46. Equality Act 2010 ("the 2010 Act")

46.1 BANES must, in the exercise of its functions, have due regard to the need to eliminate discrimination, harassment, victimization and any other conduct that is prohibited under the 2010 Act; advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

46.2 The relevant protected characteristics are:

- age.
- disability.
- gender reassignment.
- pregnancy and maternity.

- race.
- religion or belief.
- sex.
- sexual orientation

46.3 Further guidance in relation to the Equality Act 2010 is available at:-

<https://www.gov.uk/guidance/equality-act-2010-guidance>

and BANES' Equality and Diversity resources and reporting can be found here

<https://www.bathnes.gov.uk/equality-and-diversity>

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 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 a consultee and not the relevant authority considering the application		All cases	
Determination of an objection to a Standard 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	

Further Information

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

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

Tel: 01225 477000
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
Bath & North East Somerset Council
Lewis House
BATH
BA1 1JG

Tel: 01225 477000
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

The SAGE and safety at outdoor events guidance can be found at:

<https://www.bathnes.gov.uk/sage-and-safety-outdoor-events>

The Public Protection Enforcement policy can be found at:

<https://www.bathnes.gov.uk/document-and-policy-library/public-protection-enforcement-policy>

The Draft Joint Community Safety Plan 2022 to 2025 can be found at:

<https://www.bathnes.gov.uk/draft-joint-community-safety-plan-2022-2025>

Annex 1

Proposed Modern Day Slavery Conditions to assist applicants

The premises licence holder must display a modern slavery poster on the premises. This should be in a language understood by the workers and cover the main aspects of exploitation. It should sign post where help is available.

The premises licence holder must have a safeguarding policy (which includes modern slavery, child sexual exploitation etc.) in place, due to the unique risks posed by the business. This policy must be made available for inspection, when requested by the Police or an Authorised Officer of the Council.

The premises licence holder must record any safeguarding concerns or confirmed reports. This includes, but is not limited to, modern slavery and child sexual exploitation. This record must be made available for inspection, when requested by the Police or an Authorised Officer of the Council.

The premises licence holder and their staff must undergo modern slavery training, which covers the main aspects of exploitation. The training must be coupled with a knowledge test, with recorded outcomes/pass marks. This training must be logged and made available for inspection, when requested by the Police or an Authorised Officer of the Council.

The premises licence holder will ensure that all contractors and external parties have a safeguarding policy, which includes, but is not limited to, modern slavery, child sexual exploitation. They must also have all contractors and external parties sign a declaration stating that all staff they are using to fulfil the event have undergone right to work checks. The licence holder must record and keep these documents, which must be made available for inspection, when requested by the Police or an Authorised Officer of the Council.

Statement of Licensing Policy

JANUARY 2020

STATEMENT OF LICENSING POLICY

INDEX

	Page
1 Introduction	1
2 Purpose	2
3 Licensing Objectives	4
4 Licensable Activities	5
5 Types of Authorisations	5
6 General Principles	5
7 Consultees	6
Legislation, Policies and Strategies	7
8 Legislation	7
9 Relationship with Planning Policies	7
10 Relationship with Building Control	8
11 Provisional Statements	8
12 Integrating Strategies	8
13 Regulated Entertainment	8
14 Cumulative Impact	9
15 Cumulative Impact Assessment	10
16 Control of Anti-Social Behaviour, Crime and Disorder away from Licensed Premises	13
Administration of Licensing Functions	14
17 Applications	14
18 Licensing Hours	15
19 Conditions	15
20 Enforcement	16
21 Drugs Policy	16
22 Operating Schedules	17
23 Premises Licences	18
24 Provisional Statements	18
25 Club Premises Certificates	19
26 Variation of Premises Licence or Club Premises Certificate	20
27 Personal Licences	21
28 Designated Premises Supervisors	22
29 Temporary Event Notices	22
30 Transfer of Premises Licence	23
31 Interim Authority Notices	23

STATEMENT OF LICENSING POLICY

Licensing Objectives	24
32 Prevention of Crime and Disorder	24
33 Public Safety	26
34 Prevention of Public Nuisance	27
35 Protection of Children from Harm	28
Complaints Regarding Licensed Premises	31
36 The Management of Complaints	31
Decision Making	32
37 Licensing Committee Terms of Reference	32
38 Allocation of Decision Making Responsibilities	32
39 Relevant Representations	32
40 Other Considerations	33
41 Reviews	33
42 Appeals	34
Fees	34
43 Fees	34
Late Night Levy	34
44 Late Night Levy	34
Table of Delegations of Licensing Functions	35
Further Information	36
Appendix 1: Evidence base for continuation of Cumulative Impact Assessment	
Appendix 2: Revised Cumulative Impact Assessment Area	

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, restaurants and other similar establishments, 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 in collaboration with the Business Community through the Bath Business Improvement District was the first area in the South West to be awarded a Purple Flag in January 2010. The award was granted by the Association of Town and City 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 2017 Bath won a seventh Purple Flag for its night time economy.

- 1.6 The Council has worked in partnership to bring to Bath a modern shopping 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. A key element of the City's Enterprise zone will be a mixed development of shops, restaurants and

STATEMENT OF LICENSING POLICY

homes in Bath Quays which will be complete by 2021.

- 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 licensed premises are 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 such occasion give reasons for this departure.

The Authority is mindful that when hearing an appeal against any decision

STATEMENT OF LICENSING POLICY

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. It was last reviewed in 2014 and published in January 2015.
-
- 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 fueling 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. It also has a detrimental impact on residential communities.
 - 2.4 When considering any relevant representations to an application for a licence or in respect of a review of a licence, where there is a clear causal link between sales promotions or price discounting and levels of crime and disorder or public nuisance in or near the premises, the Licensing Authority may consider imposing conditions prohibiting irresponsible sales promotions at the relevant premises, but not so as to duplicate the provisions of the Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010.
 - 2.5 It is expected that when promoting low priced alcohol, all premises will be considerate of the effect such promotions are having on young and vulnerable persons within the population. 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.
 - 2.6 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.

STATEMENT OF LICENSING POLICY

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 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 In accordance with the Secretary of State's Guidance, the Licensing Authority acting as a Responsible Authority 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. The Licensing Team will use its status as a Responsible Authority on a case by case basis, when other Responsible Authorities have chosen not to act and a view is taken that there is a need to do so.
- 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 Licensing Authority recognises that excessive alcohol consumption leads to poor health which, in turn, places burdens on local health services. The Licensing Authority supports initiatives to reduce the misuse of alcohol for example, supporting Trading Standards colleagues to carry out under-age sales operations. The negative effects relating to alcohol misuse continue to be more widely addressed within Bath & North East Somerset's Alcohol Harm Reduction Strategy and subsequent revisions.

STATEMENT OF LICENSING POLICY

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).

5 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 the end 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

STATEMENT OF LICENSING POLICY

conditions as indicated in paragraph 41 (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 19 (Conditions) the only conditions which should be imposed on a Premises Licence or Club Premises Certificate are those which are appropriate, 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 19 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 39 (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.
- 6.12 Where appropriate and necessary, the Licensing Authority will seek advice about safeguarding issues from relevant Council officers to ensure that any safeguarding issues are effectively addressed.

7 Consultees

- 7.1 Before determining this policy the Licensing Authority has consulted with

STATEMENT OF LICENSING POLICY

various stakeholders including, but not limited to:

1. All Responsible Authorities;
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. The Human Rights Act 1998, with particular regard being given to Article 6, Article 8 and Article 1 of the first Protocol;
3. The Equalities Act 2010.

8.2 The impact of this policy will be monitored through the completion of an Equality Impact Assessment.

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 change of use or alteration to a building, this would not relieve the applicant of the need to apply for planning permission.

STATEMENT OF LICENSING POLICY

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 24 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 Integrating Strategies

- 12.1 The Licensing Authority will (where appropriate) integrate national and local strategies which impact on the licensing objectives and encourage vibrant, sustainable communities in line with Bath & North East Somerset's Vision and Priorities.

13 Regulated Entertainment

- 13.1 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.
- 13.2 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.
- 13.3 The Licensing Authority will ensure that only appropriate, proportionate and reasonable licensing conditions are attached to such authorisations.
- 13.4 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. However, any external organiser wishing to host an event within

STATEMENT OF LICENSING POLICY

these public spaces would require the permission of the Council and would need to apply for a premises licence or submit a Temporary Event Notice, according to the proposed activities, timings and the number of persons expected to be in attendance.

- 13.5 Performances of live music have been further encouraged following the Government's partial deregulation of entertainment activities. 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:
- on any day, and at any time between 08:00 and 23:00 hours; and
 - before an audience of no more than 500 people.
- 13.6 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.
- 13.7 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 re-instated or new conditions to be added.
- 13.8 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.
- 13.9 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.

14 Cumulative Impact

- 14.1 The concept of Cumulative Impact- relates to the potential impact a significant number of licensed premises concentrated in one area, may have on the promotion of the licensing objectives. Serious problems associated with nuisance, crime and disorder may be prevalent outside, or in the locality of these licensed premises for example when people are leaving premises at peak times, queuing for public transport or congregating outside fast food outlets.

STATEMENT OF LICENSING POLICY

- 14.2 Cumulative impact was not specifically mentioned in the Licensing Act 2003, however the Guidance to the Act acknowledged that it was “a proper matter for a licensing authority to consider in developing its statement of licensing policy and set out the steps Licensing Authorities were to take when considering whether to adopt a cumulative impact policy.
- 14.3 In 2007, after identifying concerns, and collating robust evidence relating to public nuisance, crime and disorder within a specific geographic area of Bath City Centre, BANES Council introduced, and regularly monitored, its Cumulative Impact Policy.
- 14.4 The Policy created 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, would be refused if relevant representations were received.
- 14.5 With effect from 6 April 2018 “Cumulative Impact Assessments” were introduced into the Licensing Act at section 5A, by virtue of s. 141 of the Policing and Crime Act 2017. Licensing Authorities may publish Cumulative Impact Assessments where there is evidence to show that the number or density of licensed premises, or a particular type of premises, is having a cumulative impact and leading to problems that are undermining the licensing objectives.
- 14.6 Section 5A sets out what a licensing authority must do in order to publish a Cumulative Impact Assessment, or where a special policy already exists, the time within which such policies should be reviewed.
- 14.7 Any decision to publish or review a cumulative impact assessment must be evidenced based.

15 Cumulative Impact Assessment

- 15.1 In 2019 the Licensing Authority carried out a Cumulative Impact Assessment and in so doing undertook a review of the Cumulative Impact area map adopted in 2007. Following public consultation the Licensing Authority was of the opinion that there was sufficient evidence to demonstrate that the number of premises licenses and/or club premises certificates in one of more parts of the area is such that it is likely that granting further licences would be inconsistent with the authority’s duty to promote the licensing objectives. A summary of the evidential basis for this opinion is set out in Appendix 1 and the revised Cumulative Impact area map is set out in Appendix 2.
- 15.2 The effect of the Cumulative Impact Assessment is to create a rebuttable presumption that applications for new premises licences, club premises

STATEMENT OF LICENSING POLICY

certificates or variations relating to “on trade” premises situated within the Cumulative Impact Assessment area, will be refused if relevant representations are received. In this context, ‘on trade’ means the sale of alcohol for consumption on the premises. The Council’s evidence base in relation to the Cumulative Impact Assessment Area does not relate to off-sales of alcohol or late night refreshment. 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.

- 15.3 The Licensing Authority will expect the applicant to address the issues surrounding cumulative impact within their operating schedule. See paragraph 15.10 below for suggested conditions.
- 15.4 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.
- 15.5 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.
- 15.6 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 to the cumulative impact, the Licensing Authority will grant the application.
- 15.7 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.
- 15.8 If there are no representations, the Licensing Authority must grant the application as applied for, in terms consistent with the operating schedule.
- 15.9 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.

STATEMENT OF LICENSING POLICY

Suggested additions to operating schedules

- 15.10 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.
- 15.11 The measures the Licensing Authority would wish to be included on a premises licence application within the cumulative impact assessment 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 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.
- 15.12 The Bath Nightwatch scheme is the result of the Bath Business Improvement

STATEMENT OF LICENSING POLICY

District (BID) team, Bath & North East Somerset Council, Avon and Somerset Police and owners of licensed premises, 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.

15.13 The Licensing Authority will expect all licensed premises within the Cumulative Impact Assessment 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.

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

16 Control of Anti-Social Behaviour, Crime and Disorder away from Licensed Premises

16.1 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.

16.2 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. Positive measures to create a safe and clean town centre environment in partnership with the Bath Business Improvement District (BID), local businesses, transport operators and other departments of the Council.
2. The provision of CCTV surveillance in town centres, ample taxi ranks, provision of public conveniences open late at night, street cleaning and litter patrols.
3. Police enforcement of the general law concerning disorder and anti-social behaviour, including the issuing of fixed penalty notices for relevant offences.
4. The prosecution of any personal licence holder or member of staff at such premises who is selling alcohol to people who are drunk.
5. The confiscation of alcohol from adults and children in designated areas.

STATEMENT OF LICENSING POLICY

6. 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.
 7. The power of the police, other responsible authorities or any other person to seek a review of the licence or certificate in question.
- 16.3 The Licensing Authority will endeavour to work in partnership with others to promote common objectives.

Administration of Licensing Functions

17 Applications

- 17.1 Incomplete applications will not be accepted. Applications will only be considered where the relevant documentation and the fee accompany them.
- 17.2 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.
- 17.3 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.
- 17.4 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.
- 17.5 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.
- 17.6 The Council offers a pre-application advice service to businesses to enable them to access relevant guidance tailored to their application. Information about this service can be accessed via:

<https://www.bathnes.gov.uk/services/business/licences/pre-application-advice>

STATEMENT OF LICENSING POLICY

18 Licensing Hours

- 18.1 With regard to licensing hours the Licensing Authority will consider each case on its individual merits.
- 18.2 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.
- 18.3 The Licensing Authority will give due regard to the Guidance in relation to terminal hours and would not wish to inhibit the development of safe evening and night-time local economies.
- 18.4 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.
- 18.5 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.
- 18.6 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.

19 Conditions

- 19.1 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.
- 19.2 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.

STATEMENT OF LICENSING POLICY

- 19.3 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.
- 19.4 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.

20 Enforcement

- 20.1 Enforcement will be in accordance with the Public Protection Service Enforcement Policy, which is based around the principles of consistency, transparency and proportionality, as set out in the Government’s Enforcement Concordat.
- 20.2 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.
- 20.3 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.
- 20.4 The Licensing Authority will employ officers to investigate allegations of unlicensed activities and to ensure all conditions are fully complied with.

21 Drugs Policy

- 21.1 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 and taking account of any relevant government guidance. Premises should have a robust drugs policy which assists operators in identifying the risks of drugs associated with events and contains effective measures to safeguard the welfare of both customers and staff.

STATEMENT OF LICENSING POLICY

22 Operating Schedules

- 22.1 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.
- 22.2 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.
- 22.3 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.
- 22.4 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.
- 22.5 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 security staff etc.;
 - g. Any other prescribed matters.

STATEMENT OF LICENSING POLICY

- 22.6 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.

23 Premises Licences

- 23.1 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.

- 23.2 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.

- 23.3 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.

24 Provisional Statements

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

STATEMENT OF LICENSING POLICY

Provisional Statement if they have an interest in the premises, and, if they are an individual, that they are aged 18 years or older.

- 24.2 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.
- 24.3 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.
- 24.4 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.

25 Club Premises Certificates

- 25.1 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.
- 25.2 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
 - d. Local Safeguarding Children's Board
 - e. Environmental Health Department
 - f. Local Planning Authority

STATEMENT OF LICENSING POLICY

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.

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

25.4 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.

26 Variation of Premises Licence or Club Premises Certificate

26.1 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.

26.2 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.

26.3 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
- b. reject the whole, or part of the application; or
- c. grant the application as applied for

26.4 If the Licensing Authority considers that the representations are not relevant

STATEMENT OF LICENSING POLICY

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.

26.5 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. These 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 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.

27 Personal Licences

27.1 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.
- e. Their right to work in the UK and provide the relevant documentation

27.2 **The Authority will reject any application where points a, b, c or e above are not met.**

STATEMENT OF LICENSING POLICY

- 27.3 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.

28 Designated Premises Supervisors

- 28.1 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.
- 28.2 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.
- 28.3 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.
- 28.4 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.

29 Temporary Event Notices

- 29.1 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 will only intervene if the limits on the number of notices given are exceeded.
- 29.2 A "Standard" TEN requires an organiser of a temporary event to give the

STATEMENT OF LICENSING POLICY

Licensing Authority a minimum of 10 clear working days' notice.

- 29.3 A "Late" TEN is a TEN received by the Licensing Authority 5–9 clear working days prior to the day of the event.
- 29.4 "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.
- 29.5 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. Unlike a Standard TEN 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.
- 29.6 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.

30 Transfer of Premises Licences

- 30.1 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.
- 30.2 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.
- 30.3 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.

31 Interim Authority Notices

- 31.1 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

STATEMENT OF LICENSING POLICY

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.

- 31.2 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.
- 31.3 At the end of the three months it will lapse unless an application for a transfer of premises licence holder is made.
- 31.4 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.
- 31.5 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

32 Prevention of Crime and Disorder

- 32.1 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. CB to check this with Sam Jones
- 32.2 The Council has introduced measures to assist in the management of this, 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

STATEMENT OF LICENSING POLICY

and the Street Pastors.

- 32.3 The Licensing Authority will consider whether the grant of an application will result in an increase in crime and disorder.
- 32.4 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.
- 32.5 The Licensing Authority will continue to play an active part in the development of Pubwatch/Nightwatch and other such schemes.
- 32.6 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.
- 32.7 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.
 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.

STATEMENT OF LICENSING POLICY

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.
- 32.8 The Licensing Authority would also recommend that all Designated Premises Supervisors undergo appropriate additional training and have experience commensurate with the nature and style of entertainment provided and capacity of the premises.

33 Public Safety

- 33.1 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.
- 33.2 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.
- 33.3 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.
- 33.4 From time to time premises are inspected by Council Officers, the Police and/or the Fire and Rescue Service for purposes of ascertaining compliance with the Act or associated Legislation or Regulations.
- 33.5 During the application period the Responsible Authorities might decide to carry out their own inspections.
- 33.6 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

STATEMENT OF LICENSING POLICY

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.

- 33.7 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.
- 33.8 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.

34 Prevention of Public Nuisance

- 34.1 The Licensing Authority is concerned to protect the amenity of residents and businesses in the vicinity of licensed premises.
- 34.2 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.
- 34.3 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.
- 34.4 The Licensing Authority will consider in particular:
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.

STATEMENT OF LICENSING POLICY

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.
- 34.5 The role of the Licensing Authority is to maintain an appropriate balance 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.

35 Protection of Children from Harm

- 35.1 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.
- 35.2 It is hoped that family friendly premises will thrive, but the risk of harm to children remains a paramount consideration when determining applications.
- 35.3 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.
- 35.4 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

STATEMENT OF LICENSING POLICY

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.

- 35.5 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.
- 35.6 The Licensing Authority will judge the merits of each application before deciding whether to impose conditions limiting the access of children to individual premises.
- 35.7 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 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.
- 35.8 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.

STATEMENT OF LICENSING POLICY

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.
- 35.9 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.
- 35.10 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.
- 35.11 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.
- 35.12 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.
- 35.13 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.
- 35.14 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.
- 35.15 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.
- 35.16 The Licensing Authority will expect the Operating Schedule to satisfactorily address safety issues including the supervision of children.

STATEMENT OF LICENSING POLICY

Complaints Regarding Licensed Premises

The Management of Complaints

36.1 The Licensing Authority will investigate **all** complaints against licensed premises with regard to matters relating to the four licensing objectives. If possible in the first instance, the complaint should be raised directly with the licence holder or business concerned to seek a local resolution. If this is not possible then residents can contact their local Resident's Association to act on their behalf or contact the Licensing Team directly.

36.2 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.

36.3 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.

How to Make a Complaint or Contribute to a Review

36.4 Any person wishing to make a complaint about a licensed premises can contact the Licensing Team in the following ways:

By email: licensing@bathnes.gov.uk

Via the website: www.bathnes.gov.uk/forms/licensed-premises-complaint-form

By telephone: 01225 477531

In person at any of the Council's One Stop Shops

36.5 Information about submitting a representation can be found on the Council's website at:

<https://www.bathnes.gov.uk/services/business/licences/alcohol-and-entertainment/representations>

STATEMENT OF LICENSING POLICY

Decision Making

37 Licensing Committee Terms of Reference

- 37.1 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.

38 Allocation of Decision making Responsibilities

- 38.1 The table on page 36 duplicates the Table of Delegations of Licensing Functions as set out in the Council's Constitution.

39 Relevant Representations

- 39.1 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.
- 39.2 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.
- 39.3 Representations may take the form of an objection, or be positive, and express support of the application.
- 39.4 A representation will not be relevant if the case officer deems it to be frivolous or vexatious.
- 39.5 Representations made by any Responsible Authority or other person which are subsequently withdrawn, will not be regarded as "relevant".
- 39.6 '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
 - k. Any other Authority as may be prescribed by Regulations.

STATEMENT OF LICENSING POLICY

- 39.7 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.

40 Other Considerations

- 40.1 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.

41 Reviews

- 41.1 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.
- 41.2 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.
- 41.3 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.
- 41.4 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.
- 41.5 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.
- 41.6 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

STATEMENT OF LICENSING POLICY

reason(s) for the rejection.

- 41.7 Where a relevant application is received the Licensing Authority will advertise the application and hold a hearing to determine the review application.
- 41.8 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.
- 41.9 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.

42 Appeals

- 42.1 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.
- 42.2 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.
- 42.3 An appeal against the grant or refusal of a personal licence application must be made to the Magistrates' Court.
- 42.4 Schedule 5 to the Licensing Act 2003 sets out entitlement to appeal.

Fees

- 43 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 reviewed as necessary.

Late Night Levy

44 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.

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 Standard 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	

STATEMENT OF LICENSING POLICY

Further Information

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

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

Tel: 01225 477531
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:

Building Control and Public Protection
Bath & North East Somerset Council
Lewis House
BATH
BA1 1JG

Tel: 01225 477563
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

STATEMENT OF LICENSING POLICY

Appendix 1: Evidence Base for Continuation of Cumulative Impact Assessment

Cumulative Impact Area Rationale (Avon and Somerset Police)

Bath City Centre - Police Observations and Recommendations

The Police have been asked to provide evidence to support the continuation of the Cumulative Impact Area pertaining to Bath City Centre.

The Cumulative Impact Area (introduced in 2007) is subject to a second 5 yearly review.

The Police fully support the continuation of the Bath City Centre Cumulative Impact Area.

Rationale:

The Cumulative Impact Area is a geographical representation of the area subject to the B&NES Cumulative Impact Policy. Guidance for determining a policy states:

“Where the number, type and density of premises selling alcohol for consumption on the premises are unusually high, 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.”

Based on the above rationale, the Police provided the following information which is appended to this document:

- Data relating to incidents of crime and anti-social behaviour in Bath City Centre post codes (between 2014-19) for licensed premises.
- Data relating to incidents of crime and anti-social behaviour in Bath City Centre post codes (between 2014-2019) for late night refreshment and off licences.

STATEMENT OF LICENSING POLICY

- A Geographic Heat Map illustrating the incidents of crime and anti-social behaviour for licensed premises selling alcohol in the City Centre, showing the existing Cumulative Impact Area boundary.
- a map indicating the current and proposed boundary of the Cumulative Impact Area.

Summary:

It can be seen from the figures produced that demand for policing related to licensed premises remains high and appears to be increasing. It is known that these figures are heavily influenced by the Night-Time Economy based on the most impactful premises featured.

The figures related to late night refreshment establishments and off-licences are low by comparison.

The figures and the maps also show that there have been some changes to the demographics of the city centre. For instance, a nightclub in Walcot Street that previously had a significant impact on the Night-Time Economy has closed. Although the premises that has replaced it is licensed for the consumption of alcohol on the premises until the early hours, the nature of this premises is far less impactful and lower risk in terms of crime and disorder.

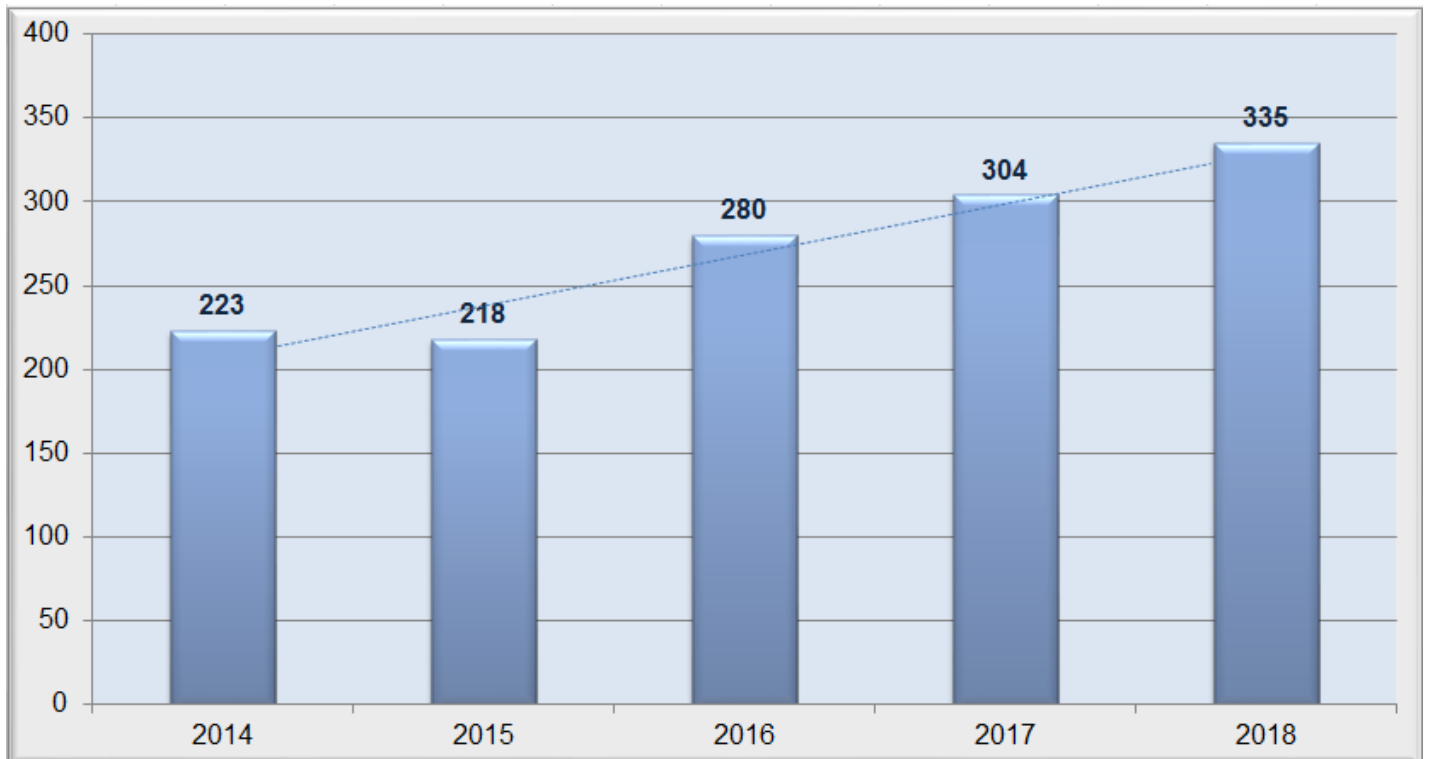
The Police therefore support the need for the Cumulative Impact Area to remain on the basis of crime and anti-social behaviour incidents relating to licensed premises and suggest an amended boundary as illustrated on the map to take into account developments within the City Centre.

Avon and Somerset Police Licensing Team May 2019



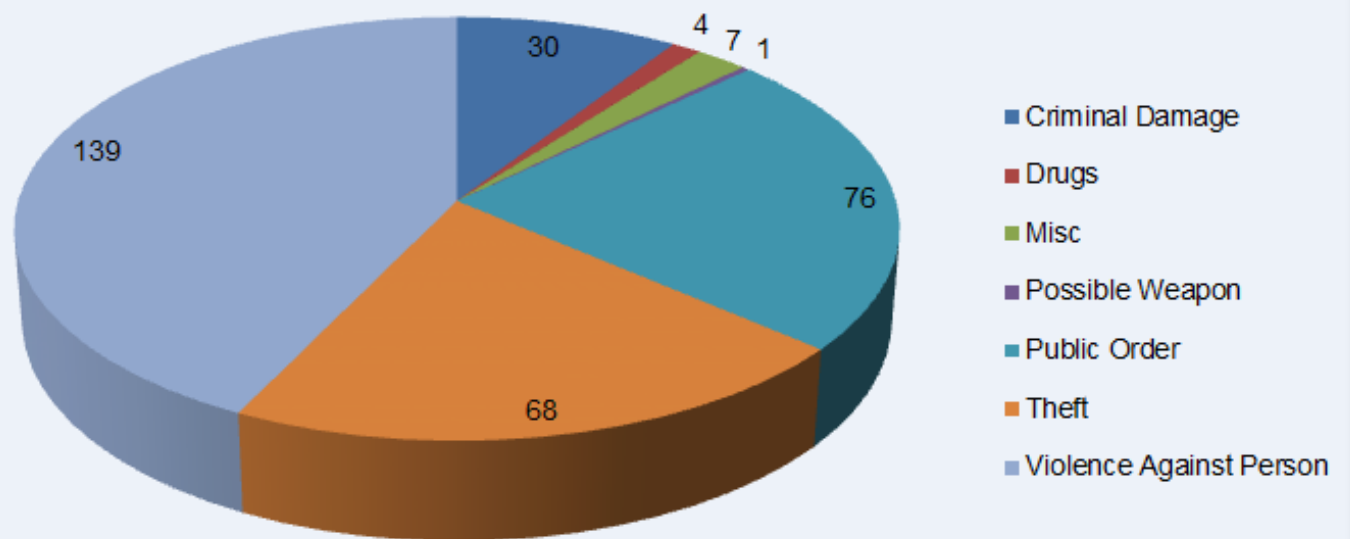
STATEMENT OF LICENSING POLICY

Number of Crime and Disorder incidents 2014 – 2018 (Bath City Centre licensed premises which sell alcohol on the premises)



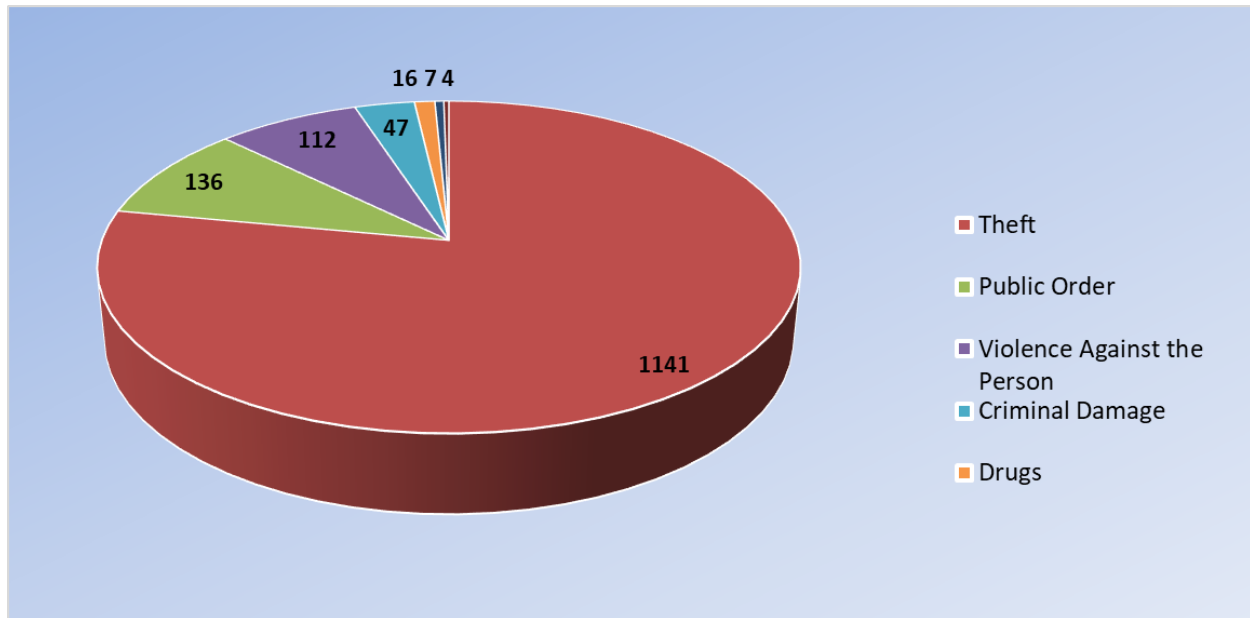
STATEMENT OF LICENSING POLICY

Bath City Centre Number of Late-Night Refreshment crime & disorder incidents 2014-2019



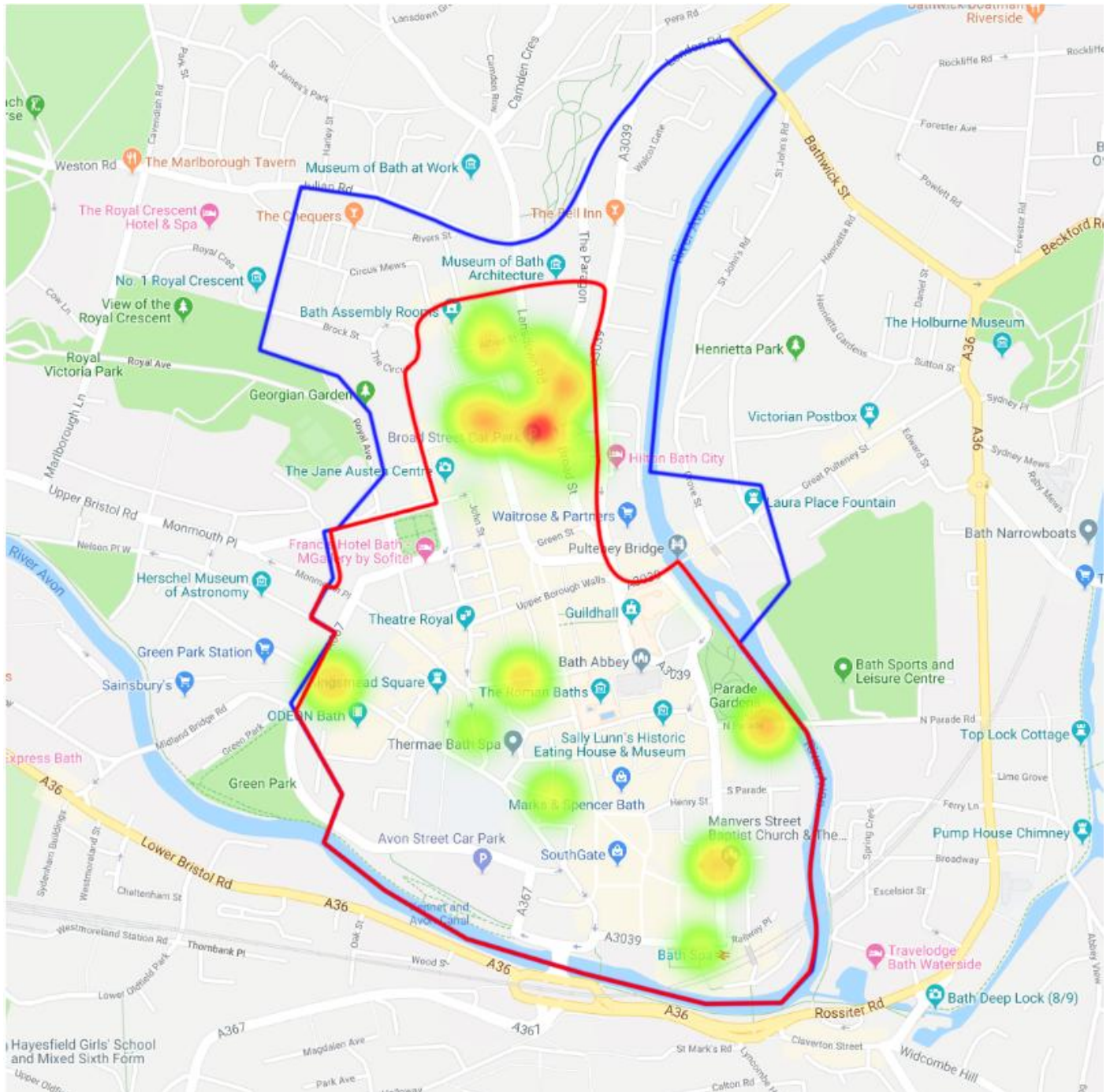
STATEMENT OF LICENSING POLICY

Bath City Centre Number of Off Licence crime & disorder incidents 2014-2019



STATEMENT OF LICENSING POLICY

Heatmap showing the incidents of crime and anti-social behaviour for licensed premises 2014-2019



Bath & North East Somerset Council		
MEETING	Council	
MEETING DATE:	22 nd May 2025	
TITLE:	Constitution: Recommendations from the Constitution Working Group	
WARD:	All	
AN OPEN PUBLIC ITEM		
List of attachments to this report: Appendix 1 – Revised Contract Standing Orders Appendix 2 – Financial Scheme of Delegations Appendix 3 – Delegated authority relating to the operational management of Council property assets. Appendix 4 – Procedural rule Part 3 – Voting rules amendments		
Link to the Constitution; https://democracy.bathnes.gov.uk/documents/s79846/Constitution.pdf		

1 THE ISSUE

- 1.1 The Constitution Working Group (CWG) was re-established at Council on 16th May 2024, primarily to address the outstanding work needed on the Contract Standing Orders and Financial Regulations. They have also considered various minor revisions suggested by Members.
- 1.2 All the recommendations below are recommended by the Constitution Working Group to Council.

2 RECOMMENDATION

The Council is asked to;

- 2.1 Approve the revised Contract Standing Orders as set out at Appendix 1 for adoption into the Constitution, as recommended by the Constitution Working Group, to come into operation on July 1st 2025;
- 2.2 Approve the Financial Scheme of Delegations, as set out at Appendix 2 and its addition to the Constitution as a new section at 3.7.12;
- 2.3 Agree a delegation to the Section 151 Officer to approve the updated Financial Regulations in due course, as set out in paragraph 3.7 below;
- 2.4 Approve the additions to the officer delegations scheme to cover the Council's property assets;
- 2.5 Agree that all votes on substantive items at Council be named votes, as described in paragraphs 3.9 - 3.12 to take effect from the July 2025 Council meeting; and
- 2.6 Agree the consequent procedural rule amendments (as set out in Appendix 4) that are needed to put this voting decision in place.

3 THE REPORT

Contract Standing Orders

- 3.1 The existing Contract Standing Orders were approved in March 2023 and are based on the requirements of the Public Contract Regulations 2015. These were based on EU legislation and following the exit of the UK from the European Union, the UK government have brought into force The Procurement Act 2023 with effect from February 2024.
- 3.2 The key proposed changes to the Contract Standing Orders are:
 - (1) Updates to reflect the UK leaving the EU and introduction of The Procurement Act 2023.
 - (2) Introduction of a section clarifying the use of Grant funding.
 - (3) Threshold changes relating to contract value, approval, and decision-making.
 - (4) Introduction of requirements for Commissioning Plans and Procurement Plans and involvement of Lead Members for service contracts above £10,000,000.
 - (5) Further clarification for the use of framework agreements and framework contracts.
 - (6) Clarification on contract award processes.
 - (7) Addition of requirements relating to Healthcare Contracts and application of the Provider Selection Regime 2024.

Financial Scheme of Delegations

- 3.3 The Council Financial Scheme of Delegation outlines the authorisation and approval levels for expenditure agreed by the Council. It is now aligned with the revised Contract Standing orders.

3.4 The scheme of delegation is part of the Financial Regulations and until this point has been found in many different parts of the regulations. This new document brings together all the financial delegation levels into one concise document and will be inserted in the constitution at a new section 3.7.12 which will aid financial decision making.

Financial Regulations

3.5 The Financial Regulations define the boundaries within which the Councils operates to effectively manage risk. They clarify roles and responsibilities and provide a framework for financial decision making.

3.6 The Council's statutory Section 151 officer, as the Council's statutory Chief Financial Officer, is responsible for ensuring the proper administration of the Council's financial affairs and these regulations form the cornerstone which allows the Section 151 officer to discharge those responsibilities.

3.7 The current Financial Regulations have not been radically reviewed since 2018 and this report requests delegated authority from Council for the Section 151 officer to undertake a full review during 2025.

Specific delegations - Heads of Service for Property (Commercial & Corporate)

3.8 The issue of delegations in the General Scheme of Delegation has remained uncertain in respect of Property matters and so a specific delegation is now proposed. This will go into the General Scheme of Delegation in the Constitution. Appendix 3 sets out the entries needed to the Constitution and to the Library. Part 1 would go into Part C at page 76 of the Constitution at paragraph 2.35.3. Part 2 would also go into part C and the Appendices into the Library.

Named votes at Council meetings

3.9 At the 18th March CWG meeting, the Group discussed the following topics;

- Number triggers for call-ins and named votes
- Other aspects of voting (standing, electronic voting etc)
- RIC/Employment committee arrangements
- Amendment process at Budget Council
- Corporate Parenting group

3.10 Of the above topics, the Group reached consensus on one item to recommend to Council;

"The Group agreed to recommend to Council that all contested votes at Council would be named and recorded in the minutes of the meeting."

3.11 This will mean that Councillor names are displayed on screen for each substantive vote (not for non-report items such as approving minutes, closure motions etc), and for these substantive items, a full list of how councillors have voted will be included in the minutes.

3.12 The amendments required to put this in place (and remove rules made redundant from this) are shown in Appendix 3.

4 STATUTORY CONSIDERATIONS

4.1 A local authority is under a duty to prepare and keep up to date its Constitution under s.9P Local Government Act 2000 as amended (Localism Act 2011).

5 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

5.1 The work undertaken in preparing this report is part of the normal role of the staff involved.

6 RISK MANAGEMENT

6.1 The risks of not agreeing necessary changes may lead to compromised or ineffective decision making.

7 EQUALITIES

7.1 None.

8 CLIMATE CHANGE

8.1 None.

9 OTHER OPTIONS CONSIDERED

9.1 None.

10 CONSULTATION

10.1 Constitution Working Group, Monitoring Officer, Chief Executive & S.151 have been consulted in the drafting of this report.

Contact person	Michael Hewitt, Head of Legal & Democratic Services Jeff Wring, Director of Financial Services, Assurances and Pensions
Background papers	The Constitution
Please contact the report author if you need to access this report in an alternative format	

**Bath & North East
Somerset Council**

Improving People's Lives

Contract Standing Orders

Amended May 2025

Table of Contents

Section A	Statement of Principles	3
Section B	Commissioning & Procurement Planning	8
Section C	Undertake the Procurement Process	13
Section D	Contract Award and Implementation	32
Section E	Post Contract Award	33

Appendices

1.	Glossary	35
2.	CSO Exemptions	40
3.	Business Ethics	43
4.	Procurement Routes	45
5.	Debarment, Exclusion Grounds and Conditions of Participation	47
6.	Transparency, Notices and Publications	49
7.	Digital Platforms	51
8.	Contract Modifications, Extensions & Termination	53
9.	Contract Terms & Conditions	55

OVERVIEW

Bath & North East Somerset Council's Contract Standing Orders ("CSOs") form part of the Council's Constitution and, as such, they are publicly available. Whilst the CSOs direct how the Council procures goods, services and works¹, they also provide any supplier with a roadmap of how the Council undertakes our procurement activities.

Note: the term 'supplier' in this document relates to a bidder in a procurement process, in line with the terminology of the Procurement Act 2023 and government guidance.

¹ See definitions of goods, works and services in Appendix 1 – Glossary

A Statement of Principles

Mandatory Compliance

Council Officers must comply with these CSOs in all instances when buying goods, services and works on behalf of the Council and failure to comply may result in disciplinary procedures.

1. General Principles

1.1 These CSOs provide the framework that governs the Council's commissioning and procurement of Contracts for goods, services and works. Following these CSOs ensures the Council can demonstrate:

- 1.1.1 good internal governance and effective decision making
- 1.1.2 stewardship and the proper spending of public monies
- 1.1.3 Value for Money in the Council's Contracts
- 1.1.4 transparency around the Council's procurement decisions
- 1.1.5 integrity and fairness
- 1.1.6 compliance with relevant law

1.2 The purpose of all contracting activity is to:

- 1.2.1 seek continuous improvement of the Council's functions having regard to the optimum combination of economy, efficiency and effectiveness in keeping with the Council's duty to seek Best Value (and Value for Money)
- 1.2.2 achieve Value for Money for the Council and the Residents, with reference to the economic, social and environmental value of each Contract
- 1.2.3 promote the well-being of the Council's Residents and Area through the effective functioning of the Council, the efficient use of the Council's resources

1.3 Every Contract and official order made by the Council (or any part of it) shall be for the purpose of achieving fulfilment of the Council's statutory functions or the furtherance of the Council's strategic or policy goals.

- 1.4 The Appendices to these CSOs provide further detail and form part of these CSOs as if they were drafted as one document. The CSOs can only be altered by agreement of Council as they are part of the Council's constitution. Any questions about the application of these CSOs should be directed to the Head of Legal and Democratic Services and/or the Head of Procurement.
- 1.5 All figures in these CSOs are ***inclusive*** of VAT unless stated otherwise.
- 1.6 Directors will:
- 1.6.1 ensure that the appropriate member, Cabinet or full Council (as appropriate given the Financial Scheme Financial Delegation) is engaged on procurement activity, including relevant decision notices and Key Decisions
 - 1.6.2 ensure that audit trails are in place for all procurement activity in accordance with these CSOs
 - 1.6.3 ensure that procurement and contract management activity is sufficiently and appropriately resourced
- 1.7 Council Members will:
- 1.7.1 approve Key Decisions where relevant
 - 1.7.2 sign-off pre-procurement approvals where relevant
 - 1.7.3 not be permitted to form part of the process once the procurement exercise is active
 - 1.7.4 ensure that their actions do not compromise or impact on the due process
- 1.8 The Council must have regard to four specific objectives when conducting a procurement activity².
- 1.8.1 The importance of delivering value for money
 - 1.8.2 Maximising public benefit
 - 1.8.3 Sharing information, and
 - 1.8.4 Acting (and being seen to act) with integrity

² Section 12 of the Procurement Act 2023

2. What these CSOs Cover

2.1 These CSOs apply:

- 2.1.1 whenever the Council intends to spend money (or provide other payments in kind) under Contracts for goods, services or works
- 2.1.2 to expenditure from either capital or revenue sources
- 2.1.3 to concessions
- 2.1.4 to Officers, Members and any person or organisation conducting procurement or contract management activity on behalf of the Council
- 2.1.5 to all bodies where the Council acts as the Lead Authority
- 2.1.6 regardless of the original funding source the Council is using for the Contract (note however that grant funding received by the Council may have additional procurement stipulations that must be adhered to)

2.2 These CSOs **do not** apply:

- 2.2.1 to contracts of employment
- 2.2.2 to acquisitions and disposals of land or buildings (these are covered by the **Financial Regulations**) – unless related to a Contract for goods, services or works
- 2.2.3 to the seeking of offers in relation to financial services in connection with the issue, purchase, sale or transfer of securities or other financial instruments, in particular transactions by the Council to raise money or capital
- 2.2.4 to internal Service Level Agreements between departments within the Council
- 2.2.5 in the case of individual investments which are not deemed as the purchase of goods or services for the purposes of the Council's CSOs
- 2.2.6 to grants given by the Council to another organisation
- 2.2.7 to goods for re-sale

2.3 The following entities have their own rules and are not bound by these CSOs, except where they participate in joint purchasing with the Council:

- 2.3.1 maintained schools within the Area

- 2.3.2 companies in which the Council has an interest **except for** Local Housing Development Vehicles and situations where there is a Local Authority Trading Company
- 2.4 In exceptional circumstances only, certain exemptions can be approved by following the process set out at **Appendix 2 - CSO Exemptions**. Seeking an exemption from these CSOs *does not* exempt the Council from complying with the General Principles or with general law and a Contract must always be put in place.

3. Relevant Procurement Law and Policies

- 3.1 When procuring and managing Contracts the Council must comply with all relevant law, which may include, but is not limited to:
 - 3.1.1 Procurement Act 2023 (PA23)
 - 3.1.2 Procurement Regulations 2024 (PR24)
 - 3.1.3 The Health Care Services (Provider Selection Regime) Regulations 2023 (PSR)
 - 3.1.4 Public Contracts Regulations 2015 (PCR)
 - 3.1.5 Concession Contracts Regulations 2016 (CCR)
 - 3.1.6 Equality Act 2010
- 3.2 **Note:** The Procurement Act 2023 (and associated secondary legislation) came into force on 24 February 2025. All procurements (or procurements in process) prior to 24 February 2025 will be subject to the rules of the Public Contracts Regulations 2015, *including* the post-award requirements. All procurements being undertaken from 24 February 2025 will follow the Procurement Act 2023 rules in all aspects.
- 3.3 Officers must have regard to all relevant Council policies and strategies when procuring and managing Contracts, including:
 - 3.3.1 The Council's Constitution
 - 3.3.2 The Financial Regulations
 - 3.3.3 Corporate Strategy
 - 3.3.4 Employee and Member Codes of Conduct
 - 3.3.5 Procurement Strategy
 - 3.3.6 Social Value Policy

- 3.4 Should there be a conflict between relevant legislation and these CSOs, the legislation will take priority over the CSOs.

4. Contracts Pipeline

- 4.1 Under the Procurement Act 2023 there is a requirement to publish a pipeline of contracts due to be let over the following eighteen-month period from the 1st April in any given year. This publication must be made within 56 days of the end of the financial year. This requirement relates to contracts with a value of £2,000,000 and above; this threshold includes VAT.
- 4.2 To enable the Council to keep track of budgets and plan for future expenditure, and for suppliers and the local community to be aware of upcoming procurement activity, all procurements over £100,000 must be entered on the enhanced Contracts Pipeline which is published on the Council's public website. Applications to make an entry on the Contracts Pipeline must be made via the Strategic Procurement Team.

B Commissioning and Procurement Planning

5. Planning

- 5.1 Directors and service managers must consider the appropriate Procurement Gateway (section 13) as well as the potential procurement and contract management implications through the service planning process. Potential future procurement activities must be added to the Council's Contracts Pipeline (see paragraph 4) and officers must engage with the Strategic Procurement Team and with the approvals and Key Decision process (where appropriate) as soon as the need is identified, in order to ensure sufficient time to complete the required processes.

6. Budgetary approval

- 6.1 Before starting the procurement, you must have budgetary approval. You must establish the aggregated monetary value of your requirement early, as this identifies the process that you follow and the relevant Public Procurement Law that you need to follow, in addition to influencing the level of interest that will be generated.

7. Key stakeholders

- 7.1 You must identify the key stakeholders for the project including anyone impacted by the requirement. You should consider doing a Communications Plan for larger projects. You must be mindful of any Conflict of Interest and take necessary precautions to ensure that if there is a conflict, it is mitigated and/or managed. See guidance on Conflicts of Interest available on the Procurement Intranet pages.

8. Proportionality

- 8.1 You must conduct a process that is proportionate to the nature, complexity, value and risks of the requirement. This includes actions that we can take to make our processes more accessible to SMEs by having regard to barriers facing SMEs and considering what can be done to overcome them.

9. Preliminary Market Engagement

9.1 The Procurement Act 2023 explicitly permits preliminary market engagement, particularly for the purposes of:

- Developing the Council's requirements and approach to a procurement
- Designing a procedure, conditions of participation or award criteria
- Preparing the tender notice and associated tender documents
- Identifying suppliers that may be able to supply the goods, services or works required
- Identifying likely contractual terms
- Building capacity among suppliers in relation to the contract being awarded

9.2 See guidance available on the Procurement Intranet pages regarding Preliminary Market Engagement.

9.3 You must keep adequate records of market engagement carried out.

10. Value

10.1 You must carefully estimate the value of the Contract in order to determine which procurement procedures can be used and to ensure that the relevant elements of Public Procurement Law are applied.

10.2 The contract value is calculated as follows: the estimated annual value x the length of the contract (years) *including* any proposed extension periods.

10.3 Contract values must include VAT where this is payable.

10.4 If you are unsure of the contract value or length, the value must be assumed to be over the relevant legislative threshold and a fully compliant procurement process run. Note however that where PSR applies to your procurement, this will apply at all values as there are no PSR thresholds.

11. Category of Procurement

11.1 It is essential to determine the nature of the goods, services or works being procured as this ensures that the relevant Contract Standing Orders are applied and that the correct Public Procurement Law is applied to procure the Contract.

11.2 Officers need to determine which of the following categories their procurement activity falls into³:

- a) Goods and Services
- b) Light Touch Services (as defined in [Schedule 1 of the PR24](#))
- c) Healthcare services covered by the Provider Selection Regime (as defined in [Schedule 1 of PSR](#))
- d) Works
- e) Concession Contracts

12. Frameworks

12.1 Officers must establish whether there is an existing Council Framework, Dynamic Market or Dynamic Purchasing System or Contract that may be used to procure the requirement. Where such an agreement exists that is appropriate for the requirement this should be used, rather than commencing a new procurement process.

12.2 Frameworks, Dynamic Markets and Dynamic Purchasing Systems established by other Contracting Authorities may be considered, where it can be evidenced that they will provide best value for money. Such external tools must only be utilised where it can be evidenced that:

- Your requirements are covered by the scope of the arrangement
- The arrangement is current
- The arrangements have been established by a Contracting Authority
- The arrangements allow for access by B&NES Council
- The terms and conditions are appropriate and acceptable

Use of external Frameworks, Dynamic Markets and Dynamic Purchasing Systems must be in line with the rules of the Framework, Dynamic Market or Dynamic Purchasing System being used, as set out by the establishing Contracting Authority.

³ Officers should note that there are some exemptions to Public Procurement Law e.g. research and development, some contracts with other authorities and with some Local Authority Trading Companies – advice around these exemptions must be sought from the Strategic Procurement Team

13. Gateways

13.1 Officers must comply with and plan for the following Procurement Gateways:

PROCUREMENT GATEWAY 1 – PIPELINE:

13.2 An entry must be made in the Council's Contracts Pipeline, where the estimated value of the Contract exceeds £100,000. Upcoming procurement activity should be listed on the pipeline where it is anticipated to commence within the next 18 months.

13.3 The Contracts Pipeline is published on the Council's website and contains the following information about contracting activity anticipated over the next 18 months:

- Contract Title
- Description
- Anticipated Contract Start Date
- Anticipated Contract End Date
- Estimated Contract Value
- Estimated Procurement Start Date
- Responsible Directorate
- Details of any current contract

Note an entry on the pipeline does not commit you to conducting the procurement.

PROCUREMENT GATEWAY 2 – COMMISSIONING PLAN APPROVAL:

13.4 Where the estimated value of a services Contract exceeds £10,000,000 Commissioning Plan approval must be obtained from the relevant Cabinet Member.

13.5 Directors & Heads of Service must also share and discuss upcoming contracts on the Contracts Pipeline, contract extensions and potential contract terminations with the relevant Cabinet Member on a periodic basis. Where it is agreed that certain services contracts below £10,000,000 in value or goods or

works contracts require additional Cabinet Member oversight, these will also be subject to Commissioning Plan approval by the Cabinet Member.

- 13.6 This approval must be sought *before* any Tender or procurement process is commenced.
- 13.7 Where the Contract is for goods or works, or where the estimated value of a services Contract is less than £10,000,000 Officers will adhere to the officer procurement gateways process and ensure that a Commissioning Plan is produced and signed off accordingly, in accordance with the Financial Scheme of Delegation.
- 13.8 Details regarding the officer procurement gateways process can be obtained from the Strategic Procurement Team (along with relevant templates) and must be followed over £500,000 for goods and services Contracts, and over £5,000,000 for works Contracts.
- 13.9 Below these thresholds Officers are encouraged to apply the gateway process, developing a Commissioning Plan.

PROCUREMENT GATEWAY 3 – PROCUREMENT PLAN APPROVAL:

- 13.10 Where the estimated value of a goods or services Contract exceeds £500,000 or where the estimated value of a works Contract exceeds £5,000,000 Officers will adhere to the officer procurement gateways process and ensure that a Procurement Plan is produced and signed off accordingly, in accordance with the Financial Scheme of Delegation.
- 13.11 Details regarding the officer procurement gateways process can be obtained from the Strategic Procurement Team (along with relevant templates) and must be followed over £500,000 for goods and services Contracts, and over £5,000,000 for works Contracts.
- 13.12 Below these thresholds Officers are encouraged to apply the gateway process, developing a Procurement Plan.

PROCUREMENT GATEWAY 4 – AWARD OF CONTRACT:

- 13.13 Approval to award the Contract must be secured in accordance with the Financial Scheme of Delegation, prior to communicating with successful and unsuccessful bidders regarding the award of the Contract.
- 13.14 Officers must produce a Procurement Evaluation and Approval Report for sign off by the relevant Officer, in accordance with the Financial Scheme of Delegation.

13.15 NOTE: The above gateway requirements do not negate the need to comply with democratic decision-making processes, including Key Decisions where the spend meets the Key Decision criteria, as set out in the Council's Constitution. Further details regarding democratic decision-making processes and Key Decisions can be obtained from Democratic Services.

C Undertake the Procurement Process

14. Appropriate Process

- 14.1 The appropriate procurement process will be determined according to the Contract Standing Orders, the value of the proposed contract and the application of the relevant Public Procurement Law.
- 14.2 The following requirements apply to all procurement categories, with the exception of those covered by the Provider Selection Regime. The PSR applies regardless of the contract value.
- 14.3 Officers must understand and apply the principles of the B&NES Council Procurement Strategy and ensure that all procurement activity is aligned with the priorities set out in the strategy.
- 14.4 Where Officers are making a call-off from a Framework the 'process' requirements set out in the table below are not applicable, however the rest of the requirements in the table are applicable. When calling-off from a Framework the rules of the Framework must be adhered to in terms of process (i.e. when a direct award can be made, when a mini-competition process must be run, who must be invited to any mini-competition).

NOTE: ALL FIGURES IN THE TABLE BELOW ARE INCLUSIVE OF VAT

TABLE 1: PROCESS REQUIREMENTS**Goods/services (excluding 'Light Touch' services)**

Estimated Contract Value (inc. VAT)	Process⁴	Noticing / Transparency / Record Keeping Requirements	Approval of Award of Contract	Contract Execution
Up to £49,999.99	<ul style="list-style-type: none"> - Officers must obtain a single quote, which must be in writing (can be via email) - In selecting suppliers to quote, preference should be given to local organisations where they exist, offer value for money and can deliver the goods, services and/or works to be supplied 	<ul style="list-style-type: none"> - Need to retain comprehensive records of all activity, correspondence and decisions - Where the Contract exceeds £5,000 the resulting contract record will need to be added to the Contracts Register to meet the transparency requirements. 	In accordance with the Financial Scheme of Delegation – General Expenditure: Up to £50,000 Budget Holder	In accordance with the Financial Scheme of Delegation – General Expenditure: Up to £50,000 Budget Holder

⁴ The processes set out in this column are not applicable to framework call-offs – all other requirements set out in the table do apply.

Estimated Contract Value (inc. VAT)	Process ⁴	Noticing / Transparency / Record Keeping Requirements	Approval of Award of Contract	Contract Execution
	- Officers may choose to run a published process at this value. If they do so it is a requirement to use the e-tendering system to run the process (to meet transparency requirements)	- Where the Contract exceeds £30,000 the relevant award notice will need to be published on the council's e-tendering system – this applies regardless of whether the process was run using the Council's e-tendering system.		
£50,000 to the Goods and Services Threshold	- Officers must invite a minimum of three invited quotes using the Council's e-tendering system.	- Need to retain comprehensive records of all activity, correspondence and decisions	In accordance with the Financial Scheme of Delegation – General Expenditure:	In accordance with the Financial Scheme of Delegation – General Expenditure: £50,000 - £150,000 Head of Service, over

Estimated Contract Value (inc. VAT)	Process ⁴	Noticing / Transparency / Record Keeping Requirements	Approval of Award of Contract	Contract Execution
	<ul style="list-style-type: none"> - In selecting suppliers to quote, preference should be given to local organisations where they exist and offer value for money and can deliver the goods, services and/or works to be supplied - Officers may choose to run a published processes at this value; if choosing to do so, the process must be run using the e-tendering system. 	<ul style="list-style-type: none"> - The resulting contract record will need to be added to the Contracts Register to meet the transparency requirements. - The relevant award notice will need to be published on the council's e-tendering system. 	£50,000 - £150,000 Head of Service, over £150,000 Director	£150,000 Director

Estimated Contract Value (inc. VAT)	Process ⁴	Noticing / Transparency / Record Keeping Requirements	Approval of Award of Contract	Contract Execution
Over relevant procurement legislation threshold	- Officers must run a process, as prescribed by the relevant Public Procurement Law	<p>- Need to retain comprehensive records of all activity, correspondence and decisions</p> <p>- The resulting contract record will need to be added to the Contracts Register to meet the transparency requirements.</p> <p>- All relevant PA23 notices will need to be published on the Council's e-tendering system. Please see guidance on the</p>	<p>In accordance with the Financial Scheme of Delegation – General Expenditure: Over £150,000 Director</p> <p>Note: a Key Decision may be required where Key Decision criteria are met</p>	<p>In accordance with the Financial Scheme of Delegation – General Expenditure: Over £150,000 Director</p> <p>Contracts valued at £500,000 and over must be sealed by Legal Services</p>

Estimated Contract Value (inc. VAT)	Process ⁴	Noticing / Transparency / Record Keeping Requirements	Approval of Award of Contract	Contract Execution
		Procurement Intranet pages regarding the statutory notices.		

Works

Where possible an established framework should be used for Works procurement, to ensure that relevant standards have been met. Where a suitable framework is not available the following requirements apply:

Estimated Contract Value (inc. VAT)	Process ⁵	Noticing / Transparency / Record Keeping Requirements	Approval of Award of Contract	Contract Execution
Up to £49,999.99	- Officers must obtain a single quote, which must be in writing (can be via email)	- Need to retain comprehensive records of all activity, correspondence and decisions	In accordance with the Financial Scheme of Delegation – General Expenditure: Up to	In accordance with the Financial Scheme of Delegation – General Expenditure: Up to £50,000 Budget Holder

⁵ The processes set out in this column are not applicable to framework call-offs – all other requirements set out in the table do apply.

Estimated Contract Value (inc. VAT)	Process ⁵	Noticing / Transparency / Record Keeping Requirements	Approval of Award of Contract	Contract Execution
	<ul style="list-style-type: none"> - In selecting suppliers to quote, preference should be given to local organisations where they exist, offer value for money and can deliver the goods, services and/or works to be supplied - Officers may choose to run a published process at this value. If they do so it is a requirement to use the e-tendering system to run the process (to meet transparency requirements) - The Contract must include a schedule of 	<ul style="list-style-type: none"> - Where the Contract exceeds £5,000 the resulting contract record will need to be added to the Contracts Register to meet the transparency requirements. - Where the Contract exceeds £30,000 the relevant award notice will need to be published on the council's e-tendering system – this applies regardless of whether the process 	<p>£50,000 Budget Holder</p>	

Estimated Contract Value (inc. VAT)	Process ⁵	Noticing / Transparency / Record Keeping Requirements	Approval of Award of Contract	Contract Execution
	works, risk assessment and CDM responsibility	was run using the Council's e-tendering system.		
£50,000 to £499,999.00	<p>- Officers must invite a minimum of three invited quotes using the Council's e-tendering system.</p> <p>- In selecting suppliers to quote, preference should be given to local organisations where they exist, offer value for money and can deliver the goods, services and/or works to be supplied</p> <p>- Officers may choose to</p>	<p>- Need to retain comprehensive records of all activity, correspondence and decisions</p> <p>- The relevant award notice will need to be published on the council's e-tendering system</p>	<p>In accordance with the Financial Scheme of Delegation – General Expenditure: £50,000 - £150,000 Head of Service, over £150,000 Director</p> <p>Note: a Key Decision may be required where the Key Decision criteria are met</p>	<p>In accordance with the Financial Scheme of Delegation – General Expenditure: £50,000 - £150,000 Head of Service, over £150,000 Director</p>

Estimated Contract Value (inc. VAT)	Process ⁵	Noticing / Transparency / Record Keeping Requirements	Approval of Award of Contract	Contract Execution
	<p>run an advertised process instead; if choosing to do so, the process must be run using the e-tendering system.</p> <p>- The Contract must include a schedule of works, risk assessment and CDM responsibility</p>			
£500,000.00 to the Works Threshold	<p>- Officers must run an advertised process using the e-tendering system</p> <p>- The Contract must include a schedule of works, risk assessment and CDM responsibility</p>	<p>- Need to retain comprehensive records of all activity, correspondence and decisions</p> <p>- The resulting contract record will need to be added to the Contracts</p>	<p>In accordance with the Financial Scheme of Delegation – General Expenditure: Over £150,000 Director</p> <p>Note: a Key Decision</p>	<p>In accordance with the Financial Scheme of Delegation – General Expenditure: Over £150,000 Director</p> <p>Note: contracts valued at £500,000 and over must be sealed by</p>

Estimated Contract Value (inc. VAT)	Process ⁵	Noticing / Transparency / Record Keeping Requirements	Approval of Award of Contract	Contract Execution
		Register to meet the transparency requirements. - The relevant below threshold notices will need to be published on the council's e-tendering system.	may be required where the Key Decision criteria are met	Legal Services
Above the Works Threshold	<p>- Officers must run a process, as prescribed by the relevant Public Procurement Law</p> <p>- The Contract must include a schedule of works, risk assessment and CDM responsibility</p>	<p>- Need to retain comprehensive records of all activity, correspondence and decisions</p> <p>- The resulting contract record will need to be added to the Contracts Register to meet the transparency</p>	<p>In accordance with the Financial Scheme of Delegation – General Expenditure: Over £150,000 Director</p> <p>Note: a Key Decision may be required where the Key</p>	<p>In accordance with the Financial Scheme of Delegation – General Expenditure: Over £150,000 Director</p> <p>Note: contracts valued at £500,000 and over must be sealed by Legal Services</p>

Estimated Contract Value (inc. VAT)	Process ⁵	Noticing / Transparency / Record Keeping Requirements	Approval of Award of Contract	Contract Execution
		requirements. - All relevant PA23 notices will need to be published on the council's e-tendering system. Please see guidance on the Procurement Intranet pages regarding the statutory notices.	Decision criteria are met	

Note: In cases where the Landlord & Tenant Act applies the obligations of Section 20 of this Act must be complied with. For works & services that will be charged back to the leaseholder, it is necessary to obtain at least 2 quotes to fulfil our duties under the Landlord & Tenant Act (where the leaseholder is going to be charged over £250).

Light Touch Services (as defined by PA23)

Estimated Contract Value (inc. VAT)	Process ⁶	Noticing / Transparency / Record Keeping Requirements	Approval of Award of Contract	Contract Execution
Up to £49,999.99	<ul style="list-style-type: none"> - Officers must obtain a single quote, which must be in writing (can be via email) - In selecting suppliers to quote, preference should be given to local organisations where they exist, offer value for money and can deliver the goods, services and/or works to be supplied - Officers may choose to 	<ul style="list-style-type: none"> - Need to retain comprehensive records of all activity, correspondence and decisions - Where the Contract exceeds £5,000 the resulting contract record will need to be added to the Contracts Register to meet the transparency requirements. - Where the 	In accordance with the Financial Scheme of Delegation – General Expenditure: Up to £50,000 Budget Holder	In accordance with the Financial Scheme of Delegation – General Expenditure: Up to £50,000 Budget Holder

⁶ The processes set out in this column are not applicable to framework call-offs – all other requirements set out in the table do apply.

Estimated Contract Value (inc. VAT)	Process ⁶	Noticing / Transparency / Record Keeping Requirements	Approval of Award of Contract	Contract Execution
	run a published process at this value. If they do so it is a requirement to use the e-tendering system to run the process (to meet transparency requirements)	Contract exceeds £30,000 the relevant award notice will need to be published on the council's e-tendering system – this applies regardless of whether the process was run using the Council's e-tendering system.		
£50,000.00 to the Light Touch Services Threshold	- Officers must invite a minimum of three invited quotes using the Council's e-tendering system.	- The relevant award notice will need to be published on the council's e-tendering system.	In accordance with the Financial Scheme of Delegation – General Expenditure: £50,000 - £150,000	In accordance with the Financial Scheme of Delegation – General Expenditure: £50,000 - £150,000 Head of

Estimated Contract Value (inc. VAT)	Process ⁶	Noticing / Transparency / Record Keeping Requirements	Approval of Award of Contract	Contract Execution
	<ul style="list-style-type: none"> - In selecting suppliers to quote, preference should be given to local organisations where they exist, offer value for money and can deliver the goods, services and/or works to be supplied - Officers may choose to run a published processes at this value; if choosing to do so, the process must be run using the e-tendering system. 		<p>Head of Service, over £150,000 Director</p> <p>Note: a Key Decision may be required where the Key Decision criteria are met</p>	<p>Service, over £150,000 Director</p> <p>Note: contracts valued at £500,000 and over must be sealed by Legal Services</p>

Estimated Contract Value (inc. VAT)	Process ⁶	Noticing / Transparency / Record Keeping Requirements	Approval of Award of Contract	Contract Execution
Above the Light Touch Services Threshold	- Officers must run a process, as prescribed by the relevant Public Procurement Law	<ul style="list-style-type: none"> - Need to retain comprehensive records of all activity, correspondence and decisions - The resulting contract record will need to be added to the Contracts Register to meet the transparency requirements. - All relevant PA23 notices will need to be published on the council's e-tendering system. Please see guidance on the 	<p>In accordance with the Financial Scheme of Delegation – General Expenditure: Over £150,000 Director</p> <p>Note: a Key Decision may be required where the Key Decision criteria are met</p>	<p>In accordance with the Financial Scheme of Delegation – General Expenditure: Over £150,000 Director</p> <p>Note: contracts valued at £500,000 and over must be sealed by Legal Services</p>

Estimated Contract Value (inc. VAT)	Process⁶	Noticing / Transparency / Record Keeping Requirements	Approval of Award of Contract	Contract Execution
		Procurement Intranet pages regarding the statutory notices.		

Healthcare Services (as defined by the Provider Selection Regime)

Estimated Contract Value (inc. VAT)	Process	Noticing / Transparency / Record Keeping Requirements	Approval of Award of Contract	Contract Execution
All values	- Officers must run a process, as prescribed by the relevant Public Procurement Law	<ul style="list-style-type: none"> - Need to retain comprehensive records of all activity, correspondence and decisions - The resulting contract record will need to be added to the Contracts Register to meet the transparency requirements (where it exceeds £5,000). - All relevant PSR notices will need to be published on 	<p>In accordance with the Financial Scheme of Delegation – General Expenditure: Up to £50,000 Budget Holder, £50,000 - £150,000 Head of Service, over £150,000 Director</p> <p>Note: a Key Decision may be required where the Key Decision criteria are met</p>	<p>In accordance with the Financial Scheme of Delegation – General Expenditure: Up to £50,000 Budget Holder, £50,000 - £150,000 Head of Service, over £150,000 Director</p> <p>Note: contracts valued at £500,000 and over must be sealed by Legal Services</p>

		the council's e-tendering system. Please see guidance on the Procurement Intranet pages regarding the statutory PSR notices.		
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15. General Procurement Requirements

15.1 Officers must ensure that all procurement processes are conducted in accordance with the requirements of these Contract Standing Orders and the relevant Public Procurement Law in respect of the following matters:

15.1.1 Conflicts of Interest

15.1.2 Notices

15.1.3 Specifications

15.1.4 Key Performance Indicators

15.1.5 Contract Management

15.1.6 Record Keeping

15.1.7 E-tendering system usage

15.1.8 Supplier debarment, exclusion grounds and conditions of participation

15.1.9 Evaluation and moderation

15.1.10 Award notification and standstill periods

15.1.11 Publication of contracts

15.2 Further guidance can be obtained from the Procurement Intranet Pages and from the [Cabinet Office](#) or [NHS England](#) (depending on the applicable Public Procurement Law).

16. Authorisation to Enter into a Contract

16.1 Officers must ensure that appropriate authorisation has been granted to enter into a Contract and that the Contract is executed, in accordance with the Financial Scheme of Delegation. This includes all requirements around democratic decision-making processes and the requirement to publish decision notices, including where Key Decisions are required.

16.2 Appropriate authorisation must be obtained before the supply of goods, services or works begin or before the new Contract is otherwise entered into.

16.3 All contracts valued over £500,000 must be sealed, in accordance with Legal Services processes. Below £500,000 contracts can be signed by the relevant Officer, in accordance with the Financial Scheme of Delegation.

D Contract Award & Implementation

17. General

17.1 Prior to contract award you must ensure that all of the objectives stated in the specification are met by the outcome of the Procurement.

18. Approval to Award

18.1 A Procurement Evaluation and Approval Report must be completed, documenting the procurement process undertaken, the decisions taken along the way and explaining how you have come to the decision to award.

18.2 The report must be signed-off by the appropriate delegated officer prior to notifying the supplier(s). See Financial Scheme of Delegation for details.

19. Notifying Suppliers

19.1 There are strict rules for above threshold procurements on how to debrief suppliers including a mandatory eight working day Standstill Period prior to confirming Contract award.

19.2 If the supplier requests a verbal debrief, discuss this with Procurement.

E Post Contract Award

20. General

20.1 Following Contract award, you must put into place the agreed contract management controls and measures. You must review regularly to ensure the Contract achieves its objectives and future benefits.

21. Contract Management

21.1 Officers must ensure that contracts are managed in accordance with relevant Public Procurement Law and with guidance published by the Strategic Procurement Team.

21.2 Contract Management must include (but is not limited to):

- 21.2.1 Appropriate resourcing, including an assigned contract manager to ensure that the contract is managed effectively and appropriately
- 21.2.2 Identification, assessment and management of any potential conflicts of interest
- 21.2.3 Publication of required notices, including KPIs where applicable
- 21.2.4 Contract records are thorough and up to date, with full and auditable records relating to decisions and performance
- 21.2.5 Management of risks throughout the contract period
- 21.2.6 Monitoring delivery against the contract in respect of KPIs and contractual commitments (including Social Value where applicable) and dealing appropriately with any performance issues
- 21.2.7 Robust financial management, ensuring spend is monitored, controlled and reported effectively

22. Extending and Modifying Contracts

22.1 Extending and modifying a Contract can only happen in particular circumstances, in accordance with the relevant Public Procurement Law (**see Appendix 8 - Contract Modifications, Extensions & Termination for details**).

22.2 Contract modifications and extensions can only be made where prior approval has been sought in accordance with the Financial Scheme of Delegation. Note:

it is the value of the modification or extension that is relevant to the approval required.

22.3 Modifications and extensions to Contract must be formally recorded in writing and details must be recorded on the Contract Register.

Appendix 1 – Glossary

Appendices	The appendices to these CSOs
Area	The administrative area of Bath & North East Somerset
Below Threshold	Contracts that have an estimated value lower than the current PA23 Thresholds
Best Value	The Council's duty to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness in accordance with section 3(1) of the Local Government Act 1999 and associated statutory guidance
Central Digital Platform	The government's central information repository for buyers and suppliers in respect of UK public sector procurement
Contracts Pipeline	The Council's published list of future procurement and commissioning activities above £100,000 found on the B&NES website. The intention is to highlight to suppliers the forthcoming opportunities for tendering. This is a statutory requirement under Localism Act
Compliant Process	A procurement exercise that has been carried out in accordance with the relevant legislation. See Appendix 4 - Procurement Routes for a list of the main types of procurement procedures
Competitive Flexible Procedure	A two – or more – stage competitive procedure; introduced in the PA23
Conflict of Interests	A set of circumstances that creates a risk that an individual's ability to apply judgement or act in one role is or could be, impaired or influenced by a secondary interest
Contract	A legally binding agreement to supply goods/services/works formed when there is an offer by one party and an acceptance of that offer by a second party
Contract Award Notice	A mandatory notice which must be issued to announce the Council's intention to award a contract to the selected supplier
Contracting Authority	A public authority, who must operation in accordance with the PA23

Contract Register	The Council's repository for all its current Contracts and Frameworks, located on the Council's e-tendering system and accessible publicly
Council Members	The elected councillors who sit on the Council Executive
Council's Constitution	The document setting out how the Council operates, how decisions are made and the procedures which are followed to ensure that the Council's business is efficient, transparent and accountable to local people
CSOs	These Contract Standing Orders (including the Appendices)
Dynamic Market	A procurement tool available under PA23, as described in regulations 34-40 of PA23
Dynamic Purchasing Agreement	A procurement tool that was available under PCR15 and may still be live and in operation now
Financial Regulations	The Council's Financial Regulations, found on the intranet
Financial Scheme of Delegation	The Financial Scheme of Delegation sets out various approved delegations and levels authority in terms of financial decision making. The Financial Scheme of Delegation sits alongside the Council's Financial Regulations and is available on the intranet
Find A Tender	Find a Tender is the repository for the government's Central Digital Platform
Framework	An 'umbrella' agreement that sets out the prices, service levels, and terms and conditions for subsequent call-off orders; a framework can be 'closed' or 'open'
Goods	Items that are usually tangible, such as IT equipment or stationery
Invitation to Tender (ITT)	The invitation to tender is sent at the stage of the procurement process when you invite selected suppliers to present their tenders in response to the stated requirements and evaluation criteria
Key Decision	An executive decision, which is likely— (a) to result in the relevant local authority incurring expenditure which is, or the making of savings which are, significant having regard to the relevant local authority's budget for the service or

	function to which the decision relates; or (b) to be significant in terms of its effects on communities living or working in an area comprising two or more wards or electoral divisions in the area of the relevant local authority.
Legal Services	The Council's internal legal department
Light Touch Regime	The Light-Touch Regime is a specific set of rules for Contracts for certain services that tend to be of lower interest to cross-border providers. It includes certain social, health and education services which are defined by the PA23
Local Authority Trading Company	A separate legal entity which is wholly owned or controlled by the contracting authority and operates as a commercial entity, providing services to the authority and wider market
Member	Any Councillor appointed to the Council for the time being
Most Advantageous Tender or MAT	Awarding a Contract for goods, services or works based on a combination of overall cost AND service elements, not just cost alone
Objectives	The objectives of procurement as set out in the statement of objectives
Officer	Employee of the Council
Public Procurement Law	The relevant public procurement law will be determined by the category and timing of the procurement exercise. The possible procurement law is itemised in section A, paragraph 3.1
Quote/Quotation	A request for pricing and/or quality bid from a supplier for goods/services/works below £50,000. Similar to a Tender but with less detail required from suppliers
Residents	Residents of Bath & North East Somerset Council
Services	Something intangible, we are paying for a skill to deliver the service
Strategic Procurement Team	The Council's internal procurement team who provide advice, guidance and support on procurement activity
Procurement Specific Questionnaire	A questionnaire used in above the relevant PA23 threshold which allow procurers to assess the suitability of suppliers and/or, in the case of a competitive flexible procedure, to shortlist the number of companies to be invited to Tender. <i>Note: for Works contracts the Common Assessment Standard</i>

	<i>is used instead of the Procurement Specific Questionnaire</i>
Social Value	Described in the Public Services (Social Value) Act 2012 as improvements to the economic, social and/or environmental well-being of the Area. The benefits sought could be in the form of social benefits (for example reducing anti-social behaviour), economic benefits (for example increasing local employment), or environmental benefits (for example reducing local congestion)
Standstill Period	A mandatory eight working day period (which must be applied to above PA23 threshold procurements and PSR procurements) between the notification to suppliers of the decision to award the Contract and the contract details notice publication which, in effect, awards the contract. The period is intended to give unsuccessful tenderers the opportunity to challenge the award if they wish
Supplier	A bidder in a procurement process or a service provider, consultant, contractor or supplier who is contracted to deliver goods, services and/or works to the Council
Tender	Request for pricing and/or quality bid from a supplier for goods/services/works. Similar to a Quote but Tenders require more detailed proposals
Tender Notice	A mandatory notice published to advise interested parties of the intention of the Council to go to market to buy goods/services/works. It gives details of the requirements of the Council
Thresholds	The financial thresholds above which a procurement must adhere to the requirements and processes as set out in the PA23 – the thresholds are set by central government, so current values should be checked in Schedule 1 of PA23
Value for Money (VfM)	The optimum combination of whole-of-life costs and quality (or fitness for purpose) of the goods, services or works to meet the Council's requirement
VAT	Value Added Tax
Works	The activities covered by CPV codes listed in Schedule 3 of The Procurement Regulations 2024 , encompassing construction services, building and maintenance of

	infrastructure, and related civil works
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Appendix 2 - CSO Exemptions

1. Contracts below the Thresholds

Specific Officers may approve exemptions to these CSOs (to the extent that it is legally able to do so) and only for the reasons set out below. Where requesting an exemption Officers must:

- give reasons for doing so on the Exemption Request Form, available from the Procurement Intranet pages
- ensure that the exemption is approved by the appropriate Officer
- enter the Contract on the Contract Register and attach a copy of the completed and signed exemption request form

The following reasons only are considered acceptable for seeking an exemption:

- quantifiable and significant cost and efficiency savings can be achieved through seeking an alternative route. Where this is the case the estimated value of savings should be included within the rationale for the exemption
- reasons of extreme urgency mean that normal time limits cannot be met, including as a result of unforeseen emergency or disruption to Council services. Not having sufficient time to tender may not in itself constitute urgency
- the Council would otherwise be exposed to immediate and significant financial, legal or reputational risk that has been identified in the relevant risk register
- only one Supplier is objectively able to provide the works, services or goods in question including, but not limited to, where the provision is specialist, where the supplier has exclusive intellectual property rights, artistic or other rights, has a monopoly or where the goods bought are for re-sale. In such circumstance only that one Supplier may be asked to quote, however the quote must be evaluated for capability and suitability
- additional or new goods, services or works are required which, through unforeseen circumstances, were not included in an existing Council Contract and are necessary for the completion of the Contract and/or cannot be carried out separately. Any Officer wishing to rely on this exemption must first have considered whether including additional or

new goods, services or works would be a permissible contract modification under the relevant Public Procurement Law

- new goods, services or works are required which are a repetition of goods, services or works carried out under the original Contract, provided they are required within one year of the original Contract being awarded
- goods are required as a partial replacement for or addition to existing goods or installations and obtaining them from another source would result in incompatibility or disproportionate technical difficulties in operation or maintenance
- the Council has the benefit of a Local Authority Trading Company, which meets the PA23 exemption, as defined in [Schedule 2](#)

An exemption will not be granted where this means the Council would be in breach of the relevant Public Procurement Law.

2. Contracts above the Thresholds

It is unlawful to sign-off an exemption when the value of the Contract is above the PA23 threshold. If you require clarification you should consult with the Strategic Procurement Team.

3. Approval of Exemptions

Exemptions can only be approved as follows, in accordance with the Financial Scheme of Delegation and in consultation with your Director or Executive Director:

Value	Exemption Approval Required	In Consultation With
Up to £49,999.99	Budget Holder	Head of Service
£50,000 - £149,999.99	Head of Service	Director
£150,000 – relevant procurement threshold	Director	Executive Director

No exemption can be relied on until it has been approved by the relevant Officer. Contracts must not be entered into before the relevant approval has been secured.

Appendix 3 - Business Ethics

1. Code of Conduct

Officers of the Council must conduct themselves in line with the Council's Employee Code of Conduct including with regards to the receiving of hospitality and gifts and the giving and receiving of sponsorship.

2. Conflicts of Interest

Officers must ensure that potential conflicts of interest are identified, assessed and appropriately managed throughout a procurement process and into management of the Contract. For further guidance on conflicts of interest, see the Procurement Intranet pages.

3. Transparency and Fair Treatment

Procurement processes must be open and transparent, allowing all Suppliers to have a fair chance to compete.

All Suppliers should be treated equally and fairly throughout the procurement process

4. Confidentiality

The Council has a responsibility to ensure that information provided to Suppliers and provided by Suppliers is treated confidentially. This is not only good practice but also gives the Suppliers confidence that they are being treated fairly and without discrimination. Information provided by the Council is given to Suppliers in confidence and only to those whom they need to consult for the purpose of preparing the Tender, such as professional advisors.

Suppliers have the right to state what elements of their Tender response they consider confidential and/or commercially sensitive. However, under the Freedom of Information Act the Council must provide information requested with some exceptions such as commercially confidential items (pricing, intellectual property etc.) which can be redacted from the version published in the public domain. Suppliers' co-operation may be needed to ensure the Council complies with such requests for information.

5. Corruption

Council Members and Officers must be aware that it is a serious criminal offence for them corruptly to receive or give any gift, loan, fee, reward or advantage for doing, or not doing, anything or showing favour, or disfavour, to any person in their official capacity. If an allegation is made, it is for the individual to demonstrate that any such rewards have not been corruptly obtained. For further guidance, see the B&NES Gifts and Hospitality policy on the intranet.

6. Use of Financial Resources

Council Members and Officers must ensure that they use public funds entrusted to them in a responsible and lawful manner and in accordance with the Council's Financial Regulations. They should strive to ensure Value for Money and to avoid legal challenge to the Council.

7. Lobbying

It is recognised that lobbying is a normal and perfectly legitimate element of the process of local governance; however, it is important that Members protect their impartiality and integrity when dealing with Suppliers.

Members must not breach the B&NES Members Code of Conduct by listening to or receiving viewpoints from Suppliers or other interested parties during a procurement exercise. Indicating a bias toward a particular product or Supplier would prejudice impartiality and could lead to a legal challenge against the Council.

Appendix 4 - Procurement Routes

The most appropriate procurement route will be determined according to the Contract Standing Orders, the value of the proposed contract and the application of the relevant Public Procurement Law (dependent on the procurement category).

Advice on the most appropriate procurement route should be taken from the Strategic Procurement Team.

The main procurement routes are detailed below.

Below PA23 Thresholds (not relevant for Healthcare Services procured under PSR)

- Single Quote – via email, use of local suppliers should be prioritised
- Invited Quotes – a minimum of 3 quotes are invited using the Council's e-tendering system, use of local suppliers should be prioritised⁷
- Advertised Tender – a tender is published using the Council's e-tendering system
- Below threshold direct awards – in some limited circumstances it is possible to make a direct award and apply a Contract Standing Order exemption (**see Appendix 2 – CSO Exemptions**).

Above PA23 Thresholds (not relevant for Healthcare Services procured under PSR)

PA23 compliant procedures are as follows:

- Framework Call-offs - mini-competition or direct award (where permissible) from a compliant framework which have been set up by the Council or other contracting authorities (see Section B, para 12).
- Dynamic markets – a list of qualified suppliers who have met the conditions of membership of the dynamic market and are eligible to participate in specific future procurements. Only suppliers who are part of a dynamic market are eligible to participate in a subsequent procurement.
- Legacy PCR Dynamic Purchasing Agreements – use of a Dynamic Purchasing Agreement established under PCR.

⁷ Local suppliers should be invited to quote and will be evaluated alongside other submissions

- Open Procedure – a one stage procedure where all tender and associated documentation is published with the tender notice and there is no shortlisting stage to restrict who can submit a tender.
- Competitive Flexible Procedure - multi-stage procurement route that allows the Council to design its own procedures as long as it follows all the transparency requirements. A flexible competitive procedure can be used to restrict the number of suppliers, if required. It can also include stages of dialogue, site visits, demonstrations, where appropriate.
- Above-threshold direct awards – only permissible in limited circumstances as set out in PA23 (sections 41, 42 and 43).

Detailed information on the available PA23 procurement processes and tools is available from the [Cabinet Office](#) published guidance.

Provider Selection Regime

The PSR sets out a number of available procedures and the circumstances in which each can (or in some cases, must) be used:

- Direct Award Process A
- Direct Award Process B
- Direct Award Process C
- Most Suitable Provider Process
- Competitive Process

Note there are no thresholds associated with PSR procurements; the PSR regulations apply at all values of spend.

Detailed information on the available PSR procurement processes is available from the [NHS England published statutory guidance and tools](#).

Appendix 5 - Debarment, Exclusion Grounds and Conditions of Participation

Debarment

PA23 introduces a Debarment List which is managed by the Cabinet Office. Officers must check the Debarment List to ascertain whether suppliers are on this list. If they are, then this supplier must be excluded from the procurement process. The Debarment List is accessed through the Central Digital Platform.

Exclusion Grounds

PA23 and PSR apply the same set of exclusion grounds to procurement activity. These exclusion grounds are set out in PA23 (but also apply to PSR) and are split into mandatory and discretionary exclusion grounds.

Officers must establish whether any of the exclusion grounds apply and whether the Council can contract with the supplier if they do.

All suppliers will need to register on the government's Central Digital Platform which will capture organisation information as well as grounds for mandatory and discretionary exclusions for the organisation, as well as for connected persons.

Conditions of Participation

Officers must ensure that any supplier interested in doing business with the Council has both the technical capability and the financial capacity to be able to perform the Contract. For above threshold contracts, this should be assessed using the Procurement Specific Questionnaire and the supplier's organisation information stored on the government's Central Digital Platform. Note: for Works contracts the Common Assessment Standard is used instead of the Procurement Specific Questionnaire.

The Procurement Specific Questionnaire will be used to assess the Conditions of Participation.

Conditions of participation:

- can only be related to a supplier's legal and financial capacity, and technical ability to deliver the contract
- must be proportionate taking into account the nature, complexity and cost of the contract
- must allow for equivalents – e.g. qualifications or memberships
- must allow for international equivalents to UK standards
- must only focus on the supplier's credentials
- must not require submission of a supplier's audited accounts (unless that organisation is required to under Companies Act 2006)
- must not require suppliers to have relevant insurances in place prior to the award of a contract (but can ask a supplier to confirm they will have the relevant insurances in place if awarded the contract)
- must not break any rules on technical specifications

In an open process, conditions of participation must not be used to shortlist suppliers that can submit a tender. In a competitive flexible procedure, they can be used to limit the number of suppliers that can progress to the next round, where set out in the tender notice. In a competitive flexible procedure, the parameters of how the limiting of suppliers must be set out in the procurement documents.

Conditions of participation cannot be used in a process that is below the goods and services Threshold, in order to shortlist suppliers and reduce the number of suppliers that can submit a Tender. However, you can ask "suitability assessment questions" that are relevant to the subject matter of the contract and are proportionate. These can relate to minimum standards of suitability and capability.

Further information regarding Debarment, Exclusion Grounds and Conditions of Participation is available in the guidance section of the Procurement Intranet pages.

Appendix 6 - Transparency, Notices and Publications

Notices and Publications

A range of procurement notices must be published when conducting procurements under PA23 and PSR and when conducting procurements that fall below the PA23 thresholds. PA23 also introduces a range of new notices throughout the contract management lifecycle.

Notices will be published via the Council's e-tendering system and will appear on the Central Digital Platform.

Under the PA23, a copy of all contracts over £5,000,000 (and any subsequent contract modifications) and performance against key performance indicators for contracts over £2,000,000, must be published on the Central Digital Platform.

Where your procurement falls below the relevant PA23 Threshold⁸ there are some specific noticing obligations:

- Opportunities below £30,000 (including VAT) do not need to be advertised on the Central Digital Platform.
- Opportunities above £30,000 (including VAT) only need to be advertised on the Central Digital Platform, where the intention is to advertise the opportunity elsewhere. In this case, the opportunity must be published on the CDP prior to advertising elsewhere. A quote process whereby only invited suppliers are able to quote is not an advertised opportunity and therefore it does not need to be advertised on the Central Digital Platform. A notice confirming the contract award is required for all Contracts above £30,000 even where the opportunity was not advertised.

Further details regarding noticing requirements is available on the Procurement Intranet pages and on the e-tendering system.

The Contract Register

The Council's Contract Register is available through the Council's e-tendering system and records and stores information regarding the Council's Contracts. It provides:

⁸ Note these requirements do not apply to procurement run under PSR, where separate noticing requirements exist.

- key information to Council Members and Officers on current and expired Contracts
- limited information to the general public (including start and end dates, contract description, value, and key contact details)
- information on Contracts to allow Officers to retender in good time, where the requirement is recurring

When should I put something on the Contract Register?

Recording of Contracts on the Contract Register is mandatory for all Contracts valued above **£5,000** regardless of the procurement route used to procure the Contract. Publication on the Contract Register ensures that the Council complies with its obligations under the Local Government Transparency Code.

You must also keep the information on Contract Register up to date, for example if:

- a Contract is extended
- where a contract is modified, resulting in a change to the contract value
- the key contact for a Contract changes (e.g. if an Officer leaves)

Before you Purchase Anything

You should check the Contract Register before you start any procurement activity, to establish whether there is an existing Council Contract which covers your need. Saving time and expense by using an existing Contract will almost always represent Value for Money.

Appendix 7 - Digital Platforms

The Council's e-tendering system

The Council's e-tendering system is mandatory in certain circumstances (see Section C). This ensures transparency through advertising the opportunity, running the tender process, awarding the Contract to successful supplier/s, and recording the Contract on the Contract Register. All notices required under the PA23 and PSR will be issued through the Council's e-tendering system and will be automatically pushed through to the Central Digital Platform (see below).

Once the tender notice has been issued, all communication with suppliers needs to be conducted through the e-tendering system. This includes, but is not limited to, receiving and answering clarification questions in the time period specified. No communication outside of the e-tendering system should be entered into.

Central Digital Platform

The government's Central Digital Platform serves as a central repository for public sector procurement activity and provides a central point for all interested parties to view opportunities, awarded contracts, modifications to contracts etc. All procurement notices required by the relevant legislation and which are issued through the council's e-tendering system will automatically flow through to the Central Digital Platform.

Supplier Information System

The Central Digital Platform will host the supplier information system on which suppliers will need to register prior to bidding for an opportunity. This system will capture organisation information as well as grounds for mandatory and discretionary exclusions, details of connected persons, etc. Suppliers will be required to share with the Council the organisation information they have submitted on the Central Digital Platform.

Debarment List

The Central Digital Platform hosts the central Debarment List; officers running a procurement will need to check this list to ascertain whether a particular supplier is registered on it. If they are, then this supplier must be excluded from the procurement process.

Appendix 8 - Contract Modifications, Extensions & Termination

Contract Extensions

When you award a Contract/Framework, you must state the start and end dates and whether there is an option to extend beyond the initial term. If an extension clause has been included in the Contract, then it is permissible to extend but this should only be done if it represents value for money to extend and if the performance of the supplier warrants it.

A Contract cannot be simply extended where a contractual extension provision wasn't built into the Contract at the outset. It may be possible to modify an existing Contract to extend the term, but only in limited circumstances. Officers must seek advice from the Strategic Procurement Team in this case.

Contract Modifications

Contract modifications (also known as variations) can be risky and can trigger the need for a new procurement exercise. The PA23 and PSR sets out the modifications that can be made to a Contract or Framework and the circumstances under which this is permissible.

Contract modifications can only be made where they are justifiable and in accordance with the relevant Public Procurement Law.

Officers must seek advice from the Strategic Procurement Team when making modifications to above Threshold Contracts and where a modification might take the value of a below Threshold Contract over the relevant Threshold.

Contract Termination

Where officers believe there are grounds for early termination this must be discussed with Legal Services. Contracts may be terminated early by agreement prior to the expiry date of the Contract, only in accordance with the termination provisions set out in the Contract.

PA23 also introduces implied terms to contracts which allow for termination of the contract in certain circumstances, particularly around material breaches of the act and where the supplier or sub-contractor becomes excluded or excludable.

Noticing requirements must be met at the end of contracts – whether the contract ends naturally at its term or by early termination due to performance or other reason.

Appendix 9 - Contract Terms & Conditions

General

The Council is required to make its procurement documents available electronically from the published date of the Tender Notice.

Procurement documents include the proposed Terms and Conditions of Contract (T&Cs) as well as the Procurement Specific Questionnaire and Invitation to Tender. This means that all documents, including the Terms & Conditions, for any procurement process must be finalised before the Tender Notice is issued.

Terms and Conditions issued by the Council (or in accordance with the Framework, Dynamic Market or Dynamic Purchasing System) must be used. Only in exceptional circumstances, and as agreed by Legal Services, shall Contracts use Terms and Conditions provided by the Supplier.

Where Suppliers seek to make amendments to the published Terms and Conditions, Officers must engage with Legal Services. Proposing amendments to the Terms and Conditions could in some circumstances result in a Tender being rejected.

Contracts below the Thresholds

For the majority of Contracts below £50,000 the Council's standard Purchase Order terms and conditions will be appropriate. A copy of the Purchase Order must be sent to the Supplier, to ensure that they have been provided with a copy of the relevant terms and conditions.

Officers should satisfy themselves that the purchase order terms and conditions are suitable for their purchase; in some cases, it may be more appropriate to issue a bespoke contract to ensure that specific risks e.g. safeguarding are adequately addressed.

Contracts above the Thresholds

For Contracts above the Thresholds you should use the Council's standard terms and conditions which are available on the Procurement intranet pages.

It may be more appropriate to use an industry standard form of Contract, or a bespoke Contract drafted for the particular Contract in question.

When considering which type of Contract to use discuss with the Strategic Procurement Team and Legal Services.

Purchase Orders

Officers shall observe the requirements of the Financial Regulations in respect of Purchase Orders.

Officers must issue official Purchase Orders for all goods, services and works unless there is a specific exemption agreed by the Council's Section 151 Officer prior to the commencement of the works/services or delivery of goods and prior to the receipt of an invoice.

All Purchase Orders must (unless specifically exempted) be raised through the Council's Financial Management System.

The Purchase Order must refer to the Council's standard purchase order terms and conditions of contract, except for where the complexity of the Contract requires more bespoke terms, for example a specific stand-alone contract in which case the Purchase Order shall make specific reference to the agreed contract.

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Bath & Northeast Somerset Council

Financial Scheme of Delegation – Summary of Delegation levels

In the constitution, the Policy and Budget framework sets out the delegation of financial responsibility and budget spending limits to the officers of the Council, in conjunction with the Executive.

This Financial Scheme of Delegation outlines officers' delegation levels, details the responsibility levels that council officers hold to make financial related decisions on spending, income and other financial related issues and sets out the approved financial limits within which authorised officers may conduct council business.

If an officer is unclear of their delegation level when making a relevant financial decision, this should be discussed with the relevant Executive Director prior to any financial decisions being made.

The Financial Regulations themselves are also made up of several Codes of Practice and specific policies such as the Debt Management and Disposal of Property Assets policies which should be read in conjunction with this scheme of delegation.

What is a KEY Decision?

Key decisions are those decisions which are of significance either in money terms (to be spent or saved) or in terms of community impact. They do not include the day-to-day operational service management decisions taken by Officers

A “**key decision**” is defined in law as one which is likely to:

- result in the local authority incurring expenditure, or the making of savings, over a financial threshold of £500k; and/or
- be significant in terms of its effects on communities living or working in an area comprising two or more wards or electoral divisions in the area of the local authority.

The definition of key decision does not apply to proposals or decisions of the Leader acting in their capacity as Shareholder of a Local Authority Company owned or operated by the Council.

Key decisions are reserved to Cabinet or are Single Member Decisions (SMD) unless specifically delegated to an officer (ODD) by a Cabinet /SMD decision. The following approved financial limits do not override the need to ensure a key decision is taken through the appropriate decision route.

Summary of Finance Delegations & Thresholds

No	Delegated Function	Limitations	Authorised officer
1	<p>General Expenditure</p> <p>Power to incur expenditure within approved budget, providing it is incurred legally, within Council policy and procured in accordance with the Councils procurement procedures.</p> <p>This covers all revenue and capital expenditure including the award of contracts for supplies, works and services.</p> <p>Subject to the financial limits in the following sections</p>	Up to £1,000	Budget Holder *
		Up to £5,000	Budget Holder *
		Up to £50,000	Budget Holder *
		£50,000 – up to £150,000	Head of Service
		Over £150,000 – up to £500,000	Director
		Over £500,000	Executive Director or S151 Officer
2.	<p>Adding schemes to the Capital Programme – must go through ODD or SMD to add to capital programme – Can only be authorised by a Director</p> <p>Schemes will in the main be added to or removed from, the capital programme as part of the Medium-Term Financial Planning process.</p>	Any amount	Director or S151 Officer
3	<p>Submission of bids to Government/External Bodies</p> <p>Bids submitted for external funding must go through the Councils appropriate governance process. With any associated match funding identified prior to submission.</p>	Expenditure of the funds must follow the authorisation levels at no 1.	Executive Directors and/ or S151 Officer must agree and sign off on all external funding bids and associated expenditure.

4.	Asset Leasing	Any Amount	Any proposed leasing arrangements must be approved by S151 Officer or nominated officer.
5.	Treasury Management Only the nominated officers can borrow or invest council monies, make loans or acquire interest in companies, joint venture or other enterprises.	Any Amount	S151 Officer or nominated officer with delegated authority, including those set out in the Council's Treasury Management practices.
6	Management, acquisition and disposals of land and property Also see - Delegated authority relating to the operational management of Council property assets within Constitution.	Up to £500,000	Head of Commercial Estate or Head of Corporate Estate
		Over £500,000	Head of Commercial Estate or Head of Corporate Estate in consultation with Cabinet Member
7	Disposal of Assets (non-land and property) Including <ul style="list-style-type: none"> • Fleet Vehicles • IT systems & equipment • Other equipment 	Up to £1,000	Head of Service *
		Up to £5,000	Head of Service *
		Up to £50,000	Head of Service *
		£50,000-£150,000	Director following consultation with Executive Director
		Over £150,000 up to £500,000	S151 Officer following consultation with Executive Member Resources
8.	Power to make payments or provide other benefits in cases of maladministration or compensation (non-Insurance e.g fines, or tribunal cases)	Up to £500	Head of Service
		£500 - £5,000	Director
		Over £5,000	S151 Officer
9.	Fees and Charges All fees and charges will be reviewed annually and subject to formal approval in accordance with the Constitutions Budget and Policy Framework. Officers are authorised to: - <ul style="list-style-type: none"> • determine the amount(s) of any fee or charge the Council is entitled or authorised to levy or make in respect of the discharge or any of its functions subject to such 	All values	If involving major restructuring of charges or the introduction of any new charges then Cabinet in consultation with relevant Executive Member and relevant Director, through SMD or Cabinet meeting

	charges: a) being in line with the Council's financial plan; and b) in the opinion of the officer concerned, not involving major restructuring of charges or the introduction of any new charges.		
10.	Income Write off	Up to £50,000	S151 Officer or nominated officer
		Over £50,000	S151 Officer in consultation with the Cabinet Member Resources
11	Settling Legal and Insurance claims/ related works The settling of legal and insurance claims against the Council not covered by our insurance and in compliance with all relevant insurance terms and conditions, will be subject to approval as follows (except for historic Avon insurance and MMI levy claims)	Up to £1,000	Director *
		Up to £5,000	Director *
		Up to £50,000	Executive Director
		£50,000 - £150,000	S151 Officer and or Executive Director
		Over £150,000	S151 Officer
12.	Emergency/Unplanned Payments Emergency/urgent payments in this instance are those made in extenuating circumstances, arising because of unforeseen circumstances.	Up to £150,000	Executive Directors in consultation with S151 Officer
		Over £150,000	S151 Officer in conjunction with Executive Member Resources
13.	Use of Reserves The request for the use of any earmarked or unearmarked reserves	Any Level	S151 Officer in consultation with Chief Executive and Cabinet Member Resources

*** Can depend on individual delegation, agreed at Directorate/Service level**

Virement of Budgets

Summary of Virement Limits and Required Approval

Amount	Between Services within Cash limit	Between Cash limits within Portfolio	Between Cash limits across Portfolios
Less than £50k	Directors can approve	Directors can approve	Director can approve, consult portfolio holders
£50k-£150k	Director can approve, consults ED/CEO & S151 and approval by portfolio holder.	Director can approve, consult ED/CEO & S151 and approval by portfolio holder.	Director can approve, consults ED/CEO & S151 and approval by relevant portfolio holders
Over £150k	Included in quarterly Cabinet Budget Monitoring report for approval by full Cabinet		

S151 Officer – Statutory Financial Officer

ED – Executive Director

CEO – Chief Executive Officer

Procurement Minimum Requirements

Minimum process requirements in respect of procurement activity are set out in the Contract Standing Orders.

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Delegated authority relating to the operational management of Council property assets.

1. Delegated authority to the Head of Commercial Estate or the Head of Corporate Estate relating to the operational management of Council property assets.

The following delegated authority from Council regarding the management of council property assets, is to be set out within section 4C of the delegation of specific functions to Officers as may be varied from time to time within the Council's Constitution, is delegated as follows:

- Decisions relating to the operational management of all interests in real property held from time to time within the Commercial Estate in accordance with such scheme (if any) as may be approved by the Council from time to time is delegated to the Head of Commercial Estate.
- Decisions relating to the operational management of all interests in real property held from time to time within the Corporate Estate in accordance with such scheme (if any) as may be approved by the Council from time to time is delegated to the Head of Corporate Estate
- Decisions to enter contracts for the provision of property services as defined by the Local Authorities (Goods and Services) Act 1970, in respect of the Commercial Estate is delegated to the Head of Commercial Estate.
- Decisions to enter contracts for the provision of property services as defined by the Local Authorities (Goods and Services) Act 1970, in respect of the Corporate Estate is delegated to the Head of Corporate Estate.

2. Definition of the various activities comprised within the term “operational management”

The term “operational Management” shall include the various property management activities that shall be approved from time to time by Council on recommendation from the Asset Investment Steering Group.

(Link to the Library for Appendix 1 & 2 for the current schedule of approved management activities)

APPENDIX 1

Estates Management Activities

Area of Work	Description of Work to be undertaken
1. Asset Management	
A. Asset Management	The management of assets in accordance with the provision set out within the Corporate Asset Management Plan ensuring that Council owned property assets are managed, utilized or disposed of in pursuance of the Council's key aims and objectives and with probity and in full compliance with all relevant legislation, regulation or other legal requirement.
B. Asset Reviews	The review and challenge of the performance of property assets.
C. Asset valuations	In accordance with CIPFA and other requirements a programme of Red Book Asset Valuations is carried out at least every 5 years and, in the case of Investment Assets annually. Corporate Finance is the Client in respect of this programme and issues instructions confirming the valuations to be undertaken and the timescale. The programme is supplemented with individual valuations in the case of material change, eg in the case of acquisitions and disposals as well as significant alterations to existing assets.
D. Building Insurance	Insurance reinstatement cost assessments are undertaken in accordance with an agreed programme based on regular output from core data. The assessed reinstatement cost is then used as the basis for cover within the 3 main policies, Commercial, General and Schools
E. Rating Work	In line with the cyclical revaluations of National Non-Domestic Rates, undertake a review of rateable values in respect of Council occupied properties. In light of the review or other changes of circumstance, where appropriate bring forward appeals; undertaking all necessary valuations and negotiating with the Valuation Office towards settling at agreed value.
F. Disposals and surplus land procedure	Where an asset is no longer required for operational or revenue purposes it will be declared surplus to requirements. This triggers the surplus land procedure which provides a structured process to establish if there is any alternative requirement or whether the asset can be programmed for disposal. Where the asset is cleared for disposal then this forms a discrete project designed to achieve a capital receipt in the short term. Capital receipts from disposals contribute to the capital programme after allowing for fees and other qualifying expenditure.

Area of Work	Description of Work to be undertaken
2. Lease Management	
A. Income forecasting	Amend estimated rental values and other key lease information to enable the production of an annual estimate of rent receivable by service area and/or cost centre. Update assessments on a quarterly basis and produce variances and anticipated outturn.
B. Lease Renewals Negotiations and Re-lettings.	Liaison with Legal and other internal sources leading up to and during lease renewal proceedings to ensure proper processes undertaken. Consultation of lease and other relevant documentation. Undertaking valuation. Negotiation and settlement of lease renewal terms. Instruction of legal etc and liaison to completion. Enter in to Tenancy at Will where appropriate.
C. Rent Reviews Negotiations	Liaison with Legal and other internal sources leading up to and during rent review proceedings to ensure proper processes undertaken. Consultation of lease and other relevant documentation. Undertaking valuation. Negotiation and settlement of rent review terms. Instruction of legal etc and liaison to completion.
D. New Lettings – No previous lettings to the prospective tenant of the property. Inc Tenancies at Will	In liaison with other parties establish and bring forward letting opportunities. Devise and implement marketing strategy. Provide valuations and advice to clients. Determine best bids and negotiate and agree terms. Instruct and liaise with legal and others to completion
E. Surrenders and Regrants	Liaison with relevant internal sources and consideration of application. Liaison with tenant. Undertaking valuation. Negotiation and settlement of terms. Instruction of legal etc and liaison to completion, where this is in the interest of good estate management and does not result in a loss of significant revenue income. Consideration, with relevant parties, of potential to be offered from a surrender/regrant, to the Council where it is tenant. Making applications on behalf of Council. Liaising with relevant internal sources to achieve Approval. Instruction of legal etc and liaison to completion.
F. Lease Terminations See also dilaps below	Liaison with relevant internal sources and consideration of application. Liaison with tenant. Undertaking valuation. Negotiation and settlement of terms. Instruction of legal etc and liaison to completion. Consideration, with relevant parties, of potential to be offered from a surrender to the Council where it is tenant. Making applications on behalf of Council. Liaising with relevant internal sources to achieve Approval. Instruction of legal etc and liaison to completion.

Area of Work	Description of Work to be undertaken
G. Service Charges and Planned maintenance.	Arranging for the recharging of all qualifying expenditure on Planned Maintenance, including s20 notices, notification and liaison with tenants and occupiers. Administration of leases subject to Service Charges provisions. All necessary rent accounting in association with these arrangements.
H. Rent Accounting	Management of issuing rent demands and collection of rents in line with lease or other terms.
I. Rent Arrears	Pursuit of rental arrears with recourse to a third party.
J. Approval of Tenants Works	Receiving applications for tenant's works of alteration from tenants. Checking they are in line with terms of occupancy. Liaison with relevant internal sources and consideration of application. Granting of approval or otherwise. Making applications on behalf of Council as tenant. Liaising with relevant internal sources to achieve Approval.
K. Assignments / Sub Letting	Receiving applications for assignments from tenants. Checking they are in line with terms of occupancy. Liaison with relevant internal sources and consideration of application. Liaison with tenant and proposed assignee/sub-lessee. Granting of approval or otherwise. Making applications on behalf of Council as tenant. Liaising with relevant internal sources to achieve Approval.
L. Change of Use	Receiving applications for change of use from tenants. Checking they are in line with terms of occupancy. Liaison with relevant internal sources and consideration of application. Liaison with tenant. Consideration of potential financial benefits. Granting of approval or otherwise. Making applications on behalf of Council as tenant. Liaising with relevant internal sources to achieve Approval.
M. Dilapidations – Interim Schedule only. See also lease termination above.	Check terms of lease/other form of occupancy. Apply terms appropriately. Instruct building surveyors etc as required. Internal liaison. Negotiation of settlement.
N. Minor Lease Variations	Receiving applications for minor lease variations from tenants. Liaison with relevant internal sources and consideration of application. Liaison with tenant. Consideration of potential financial benefits. Granting of approval or otherwise. Making applications on behalf of Council as tenant. Liaising with relevant internal sources to achieve Approval.

Area of Work	Description of Work to be undertaken
3. Asset Protection	
A. Terrier	Updating and maintaining the Councils records on ownership, noting and verifying freehold and leasehold interests. Maintenance of records following transactions, consents or similar.
B. Property Inspections	As required, undertake an inspection of properties in line with either lease or other requirements
C. Insurance Claims	Dealing with issues arising from either a third party insurance claim relating to property. Acting, as necessary in pursuit of an insurance claim by the Council.
D. Grants of Minor Rights (wayleaves/ easements)	Establishing need to take or grant minor right. Liaison with internal parties. Providing valuations and advice as required. Negotiation with other party towards settlement of terms. Instruction and liaison with legal and other parties to conclusion.
E. Highway adoption.	Applying to adopt private council land as public highway
F. Freehold Reversion	Long leasehold which will revert to the Council upon expiry
G. Freehold Covenants	Title restrictions on freeholds held by third parties where the beneficiary of the restriction is the Council.
H. Short term licences regularising party wall and other neighbour activity.	Short term licenses within the definition of Street v Mountford..
I. Encroachments	Establishing and seeking to prevent encroachments on to Council owned land.
J. Boundary /Ownership disputes	Resolving ownership/title disputes, boundary disputes. Liaise with legal services and other stakeholders.
K. Void Inspections	Providing and updating list of void properties. Instructing Building Services to undertake programme of monitoring voids. Advising of change of status.
L. Breaches of Covenant	Enforcing against breaches of covenant by tenants. Liaison with relevant internal sources. Reference to Legal Advisers. Providing advice to stakeholders and occupiers to prevent breach of covenant where Council is tenant. Inspection as necessary
M. Appropriations	Draw up and present necessary reports to facilitate the appropriation of property from one holding power to another.

Area of Work	Description of Work to be undertaken
4. Disposals and Development	
N. Long Leases NB – why different to Lettings above.	In liaison with other parties establish and bring forward opportunities to offer long leases. Devise and implement marketing strategy. Provide valuations and advice to clients. Negotiate and agree terms. Instruct and liaise with legal and others to completion.
O. Freehold Sales	In liaison with other parties establish and bring forward opportunities to dispose of property on a freehold basis. Maximise potential for asset value enhancement. Devise and implement marketing strategy. Provide valuations and advice to clients. Determine best bids and negotiate and agree terms. Instruct and liaise with legal and others to completion.
P. Development Opportunities	Through proactive management of the estate and in liaison with stakeholders, bring forward development opportunities to maximise performance of the estate or further council aims and objectives. Undertake valuations and instruct/liaise with other professionals to bring forward schemes where practicable.
5. Projects	
A. Project Management	Undertake all necessary work to bring forward major property projects as agreed in liaison with client on a case to case basis
B. Appointment of Consultants	As required, and in line with Contract Standing Orders, undertake all processes involved with the appointment and overseeing of outside consultants, including authorisation and payment of fees.
C. Project Monitoring External	Where external contractors are employed to undertake property related work, including legal services, on the Council's behalf, ensure that the work undertaken is of suitable standards required outcomes are achieved.
D. Feasibility Studies	Undertake all work and liaise with other contributors to bring forward a feasibility study suitable for the required purpose. Present study in required format and advise clients on implications.
E. Acquisitions	In liaison with other parties establish and bring forward acquisitions required for service provision or strategic requirements. Provide valuations and advice. Negotiate and agree terms of acquisition. Instruct and liaise with legal and others to completion.
F. Compulsory Purchase Orders	As required for service delivery needs, liaise with interested parties to bring forward a CPO or deal with orders served on the council. In line with the statutory provisions assist in the drawing up and service of necessary documentation. Provide valuations and advice to clients and liaise with other professionals. Negotiate towards settlement of compensation. Instruct and liaise with legal and other parties to completion. Attendance at enquiries/tribunals as necessary.

Area of Work	Description of Work to be undertaken
G. Building / Development Agreement	As required, liaise with client to establish need for building agreement to be granted or taken. Provide advice to clients and liaise with Building and other professionals. Negotiate and agree terms of agreement. Instruct and liaise with legal and others to completion.
H. Valuations - One Off	Provide, at the request of the client, one off valuations, not related to other areas of work. Advice to client of the implications of the valuation provided.

APPENDIX 2.

Construction, Maintenance and Facilities Management activity

1. Repair & Maintenance (see separate Policy)	
A. R&M	<p>To deliver responsive and planned programmes of repairs and maintenance (R&M)</p> <p>This is achieved through the following</p> <ul style="list-style-type: none">• aligning asset and repairs decisions with the Council's core values, corporate priorities and service aspirations. In particular this reflects the City of Bath as a world heritage site• ensuring that buildings and their associated services are in a safe condition• ensuring that the condition of buildings meet all statutory requirements• ensuring that buildings are fit for purpose and minimise risk• carrying out maintenance work necessary to maintain the value of the buildings• ensuring that agreed performance targets are met• ensuring maintenance projects are co-ordinated with other construction works to minimise their impact
2. Statutory & Best Practice Building Compliance	
B. Compliance	<ul style="list-style-type: none">• Ensuring all compliance regimes are in place where the Council has a statutory duty.• Annual compliance inspections - to verify all elements of compliance in accordance with regulation or legislation are observed• Provision of general health & safety advice to stakeholders• Specifying, co-ordination and management of all servicing contracts.• Ensuring compliance awareness across the Council• Undertaking where appropriate all measures of compliance enforcement• Monitoring compliance within buildings (offices and schools etc) in third party ownership where B&NES Council staff are working.• Monitoring compliance within buildings (schools, elderly people's homes, children's homes) where B&NES Council is placing children and elderly persons.• Monitoring of tenants occupying B&NES Council owned property.

3.1.38 VOTING

Subject to the provisions of any enactment all questions coming or arising before the meeting shall be decided by a majority of the Members of the Council (or other persons entitled to vote) present and voting.

The Chair shall ensure that that the proposal to be voted on is clear. Voting will proceed by a show of hands (first those voting “for” the proposal, those voting “against” the proposal, and then the abstentions) or by means of an electronic voting system.

Sometimes, the law requires special voting procedures and/or sets down the required numbers of votes or a proportion of voting Members required to be in favour. The Chief Executive will inform the Council when these requirements apply.

A recorded vote or votes shall take place when setting the Authority’s budget and determining the level of Council Tax to be levied in the district for each financial year.

If on any vote the numbers “for” and “against” a proposal are equal, the proposal is NOT CARRIED and it therefore falls. The record of the meeting will reflect the “NOT CARRIED” status of the proposal.

While by convention in this Authority, the Chair does not exercise a second or casting vote to resolve issues where there is an equality of votes, the decision on whether or not to exercise a second or casting vote is that of the Chair alone. S/he retains the legal right to proceed as s/he sees fit. Exercise of a second or casting vote will not invalidate the decision.

(A second vote from the Chair means that s/he has voted in the original vote which resulted in tied numbers and votes again to break the deadlock.

A casting vote is exercised when the Chair did not take part in the original vote and casts a vote in favour or against in order to break the deadlock.)

For meetings of the full Council, a named vote will be taken for each substantive item (accompanied by a report on the agenda) and the voting details recorded in the minutes of the meeting.

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