

APPENDIX 1

List of Nightclub Hours O&S review recommendations and the corresponding Executive Portfolio holders

5.0 Recommendations – <i>italics indicate update from Executive member as of June 2004</i>		Executive Cllr responsible for implementation
5.1 Licensing	<p>1 The Council's licensing policy being developed in response to the Licensing Act 2003 should provide a view about Bath city centre's capacity to deliver a balanced late night economy.</p> <p><i>VP 5.1.1 The Council's Licensing Policy is in draft form. It has been formulated on central government guidance. Further government direction is awaited. The policy will then be the subject of full and comprehensive consultation. The views and recommendations of the O&S panel will clearly be an important element of this process.</i></p>	Cllr Vic Pritchard-licensing
	<p>2 The Council's licensing policy should allow a firm line to be taken with licensed premises that allow under-age drinking and in the handling of known trouble-makers. The policy should include a range of measures which might include 24 hour closure orders.</p> <p><i>VP 5.1.2 Principal consultees include the social services child protection teams and the police, who are expected to contribute to reducing the problem of underage drinking. Only the police or the court can issue closure orders; these powers are outlined in the Act.</i></p>	Cllr Vic Pritchard-licensing
	<p>3 The majority of the Panel recommends that Public Entertainment Licenses extending beyond 2am should not be granted for Sunday-Thursday nights until existing problems such as late night noise disturbance and street urination have been addressed.</p> <p><i>VP 5.1.3 Any public entertainment licence application requesting hours beyond 2 am will automatically be the subject of local consultation. Objections will lead to a Licensing Committee hearing at which panel members will necessarily apply the current policy in determination of the application.</i></p>	Cllr Vic Pritchard-licensing
	<p>4 In developing a new licensing policy the Council should set out criteria by which it can judge if the night-time environment is improving. These criteria must be objective and may involve decibel monitoring on selected street furniture.</p> <p><i>VP See 5.1.1.</i></p>	Cllr Vic Pritchard-licensing
5.2 Drinking Culture	<p>1The Panel recognise that many local problems are a reflection of a national problem - a culture of binge-drinking and associated unruly behaviour. The Panel recommend that the Executive explore ways for licensing policy to discourage binge-drinking, for example by ensuring licensees fulfil their responsibilities, and by controlling "happy hours" and drinks promotions.</p> <p><i>VP 5.2.1 Care needs to be taken when controlling "happy hours" as any restriction may be considered illegal as a restraint of trade in a free market society. The government's guidance lamely advises local authorities to seek their own legal opinion if they wish to impose conditions on discounting and sales promotions.</i></p>	Cllr Vic Pritchard-licensing

APPENDIX 1

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	<p>2 Council should write to all licensees to remind them of their legal obligations and implications of selling alcohol to under 18's and include a copy of the poster provided by the Community Safety Team which draws their attention to the types of ID cards schemes that are available to prove age.</p> <p><i>VP 5.2.2 Will be implemented when responsibility for alcohol licensing passes to the Council.</i></p>	<p>Cllr Vic Pritchard-licensing</p>
	<p>3 The Council should examine the usefulness of making membership of the Bar Safe scheme a condition in getting a licence</p> <p><i>VP 5.2.3 This proposal is being explored informally with licensees</i></p>	<p>Cllr Vic Pritchard-licensing</p>
<p>5.3 Partnership Working / Night-time Economy Strategy / Diversity of Entertainments on Offer</p>	<p>1 The Council in partnership with stakeholders should develop a night-time economy strategy that covers all operators; clubs, pubs, taxis, buses, restaurants, takeaway food outlets, etc.</p> <p><i>CD 5.3.1 The development of evening/nighttime economy issues is not expected to take the form of a "strategy". It is being discussed as part of city centre issues, and has been raised by me with independent retailers, chamber of commerce and other forums and stakeholders in the general context of retail/visitor "offer".</i></p> <p><i>The key is to encourage middle-aged and more sober people to remain in Bath after working hours. For this to work they have to be given something to do, such as more "gentle" forms of entertainment, or later opening of shops, and so on. Needless to say, this will not happen by central planning.</i></p> <p><i>We are also conducting retail research.</i></p> <p><i>Every time a development opportunity occurs I have the evening and nighttime economies in mind.</i></p>	<p>Cllr Cloin Darracott</p>

APPENDIX 1

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<p>2 The Council's night-time economy strategy and use of planning and licensing powers should encourage a better balance and diversity in the late night economy. There should be a move away from the current dominance of activities involving alcohol and towards activities for a broader range of interests and age-groups including options not involving alcohol. Provision of activities for those aged under 18 should be included in the strategy.</p> <p><i>RT 5.3.2 Planning policy has some influence over the development of the night-time economy, and within Bath & North East Somerset, the emerging district-wide local plan has increasing weight in guiding development control decisions.</i></p> <p><i>The Council's Revised Deposit Local Plan, approved by Council July 03, considers the evening/night economy under the heading 'Uses appropriate in city and town centres'. Policy S.6 states that 'Proposals for A3 uses, including variations to existing consents, within and adjoining Bath central shopping area will only be permitted where they preserve or enhance the character of that part of the Conservation Area and they do not have an unacceptable impact of the amenity of residential occupiers.' The A3 use class includes pubs, clubs, restaurants and cafes. The reasoned justification for this policy recognises the risk of an over-concentration of such uses in the city centre, and the need to safeguard residential amenity by, for example, restricting the type of operation or its hours.</i></p> <p><i>Further revision to this policy may result from consideration of representations on the revised deposit draft plan or further government guidance, and will be brought again to full Council this summer.</i></p> <p><i>VP 5.3.2 An important element of an evolving city centre strategy being coordinated by Economic Development</i></p>	<p>Cllr Rosemary Todd - planning</p> <p>Cllr Vic Pritchard-licensing</p>
<p>5.4 Taxis & buses</p> <p>1 The Council Executive should work to ensure that people can get quickly and safely out of the city late at night. This should include looking at the feasibility of increasing the number of late night buses available to people leaving clubs.</p> <p><i>SEJ 5.4.1 The Transportation Dept will have discussions with bus companies about late night buses but I must point out that these are private companies. Unless (a) the demand is regularly there (b) that they can overcome the problems they could face from some of these users it is difficult to see development in this direction. It should also be born in mind that the possible users come from a wide geographical area. I don't know if there is any mileage in discussing this with the owners of bars and clubs to see if they felt able to subsidize any kind of late night service? This would link in with the Partnership section 5.3. It will be considered too in the taxi policy</i></p>	<p>Cllr Sir Elgar Jenkins – public transport</p>
<p>2 In developing the Council's taxi strategy the Council Executive should work to ensure that taxis efficiently and effectively take people home at all times.</p> <p><i>SEJ See below</i></p> <p><i>VP See below</i></p>	<p>Cllr Sir Elgar Jenkins – public transport</p> <p>Cllr Vic Pritchard-licensing</p>

APPENDIX 1

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	<p>3 This should include reviewing the number of hackney carriage licenses and other actions to meet the following targets:</p> <ul style="list-style-type: none"> a. Queuing times are reasonable at peak night-time hours on Thursday, Friday and Saturday nights b. An acceptable number of taxis are operating beyond 2am to service those still not out of the city centre <p><i>SEJ See below</i></p> <p><i>VP See below</i></p>	<p>Cllr Sir Elgar Jenkins – public transport</p> <p>Cllr Vic Pritchard-licensing</p>
	<p>4 The Council Executive through its taxi strategy should explore the siting and use of existing ranks. There appear to be many in the city centre but they are not all used. Temporary ranks could be usefully sited outside clubs with the doorman taking responsibility for good order at them.</p> <p><i>SEJ 5.4.2 - 5.4.4 (the officer) who is doing this work is just leaving... and this strategy is going on to her successor. It was originally held up because we waiting for guidance from the Govt. We should finish it in the Autumn. I will make sure it includes consideration of the points you mention below.</i></p> <p><i>VP 5.4.2 - 5.4.4 A taxi strategy is being developed. Incentives to encourage the provision of taxi services at the most unsocial hours will be discussed initially with the trade.</i></p> <p><i>RT 5.4.4 In general, the sighting of taxi ranks is not governed by planning policy, and the introduction of new ranks would not normally require planning permission. Highways considerations are likely to be the most relevant.</i></p>	<p>Cllr Sir Elgar Jenkins – public transport</p> <p>Cllr Vic Pritchard-licensing</p> <p>Cllr Rosemary Todd - planning</p>
5.5 Street noise complaint monitoring	<p>1 The Council Executive should explore the reporting and recording of street noise disturbances to ensure that residents' complaints can be better taken into account and lead to actions to improve the night-time environment.</p> <p><i>VP 5.5.1 All complaints to the council and the police are recorded and reported to the Licensing Committee when relevant to specific applications.</i></p>	<p>Cllr Vic Pritchard – Environmental Health</p>
5.6 Funding of Community Safety Initiatives	<p>1 The Panel requests that the Community Safety Partnership should review prioritisation of community safety initiatives and give high priority to support for the taxi rank marshal scheme.</p> <p><i>VP 5.6.1 The taxi marshal scheme at Orange Grove is fully funded for 2004/5</i></p>	<p>Cllr Vic Pritchard – community safety</p>
	<p>2 The taxi rank marshal scheme should be kept under review with the intention of improving it. (For example possible improvements to barriers, protective clothing for marshals and a shelter for marshals.)</p> <p><i>VP 5.6.2 Monitoring and review of the scheme will continue in order to achieve improvements where appropriate.</i></p>	<p>Cllr Vic Pritchard – community safety</p>

APPENDIX 1

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<p>5.7 Policing</p> <p>5.7 Vic - these are police issues which I cannot answer; they should really carry Ian Dewey's name only.</p>	<p>1 The Community Safety Partnership should look at how the levels of policing and police action seen in Operation Exuberant could be continued as the norm.</p> <p><i>MC 5.7.1 This is addressed to the Community Safety Partnership (CSP). Operation Exuberant was originally financed through the CSP and therefore are best placed to consider how the levels of policing and police action seen in Operation Exuberant could be extended.</i></p> <p><i>The CSP produces a Crime and Disorder strategy that I believe is due for review in 2004. Now may be an opportune time to make the Panel's views and recommendations known to the CSP for inclusion in any new strategy.</i></p>	<p>Cllr Vic Pritchard – community safety</p> <p>Cllr Ian Dewey – Police Auth Rep</p> <p>Moxley Cooper - Clerk to the Police Authority</p>
	<p>2 The Panel expects the district to be policed in line with the timeframe that matches the disturbances reported by residents and the matter considered by the Bath and North East Somerset Police Commander.</p> <p><i>MC See below</i></p>	<p>Cllr Vic Pritchard – community safety</p> <p>Cllr Ian Dewey – Police Auth Rep</p> <p>Moxley Cooper - Clerk to the Police Authority</p>

APPENDIX 1

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<p>3 Illegal activity, such as urination in the street, should be policed and the matter considered by the Bath and North East Somerset Police Commander.</p> <p><i>MC 5.7.2, 5.7.3 Recommendations 2 and 3 are regarding the direction and control of the Constabulary and hence fall within the realm of the Chief Constable. However, I would like to draw your attention to two recent developments in this area which highlight the attention being given to tackling anti-social behaviour and crime in Bath.</i></p> <p><i>Firstly, a new anti-social behaviour co-ordinator, Gaynor Kinnersley, has been appointed to serve Bath and North East Somerset (BANES). Gaynor has taken up the post on behalf of BANES Community Safety Partnership – which draws on the support of Bath Police, BANES Council, Somer Housing and BANES Youth Offending Team. Her role is to drive the programme which addresses anti social behaviour problems, which will help make BANES a safer and better place to live, work and visit.</i></p> <p><i>Secondly, police in Bath, as part of their highly successful Operation Exuberant campaign, are planning to tackle anti social behaviour in the city centre by adopting the football referee warning cards.</i></p> <p><i>On selected weekends during May and June, the police will supplement their normal mobile community safety patrols with additional officers. The police are assisted by other agencies in the criminal justice system and will have the use of additional cells at Bath Magistrates Court.</i></p> <p><i>There will be high profile street patrols who will essentially be challenging and arresting those people causing a nuisance in the city centre. The patrols will crack down on begging; urinating in public; swearing; fighting and drinking on the street.</i></p>	<p>Cllr Vic Pritchard – community safety</p> <p>Cllr Ian Dewey – Police Auth Rep</p> <p>Moxley Cooper - Clerk to the Police Authority</p>
<p>5.8 Public Conveniences</p> <p>1 Through it's planning and licensing functions Council should:</p> <ul style="list-style-type: none"> - require licensed premises to have conveniences with appropriate signage - require late night take-aways to have conveniences with appropriate signage <p><i>RT 5.8.1 The requirement for licensed premises or take-aways to have conveniences is not covered by planning legislation; however, building regulations may apply. Building regulations are within the remit of Cllr Pritchard.</i></p> <p><i>VP 5.8.1 Licensees and take away proprietors can only be required to provide sanitary provision as specified in food safety, health and safety etc. legislation. Voluntary provision or availability to non customers is an issue for Cllr Todd to pursue.</i></p>	<p>Cllr Rosemary Todd – Planning</p> <p>Cllr Vic Pritchard – licensing</p>
<p>2 The Council should investigate having a mobile urinal at night</p> <p><i>RT See below</i></p>	<p>Cllr Rosemary Todd – Waste</p>

APPENDIX 1

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	<p>3 The Council should encourage premises with public entertainment licenses to remind people to use toilet facilities before they leave.</p> <p><i>VP 5.8.3 Licence holders will be requested to issue such reminders.</i></p>	Cllr Vic Pritchard – licensing
	<p>4 The issue should be referred to the Planning, Transportation, Environment and Sustainability Overview and Scrutiny Panel's 'Public Loo Review' for further investigation.</p> <p><i>RT 5.8.1, 5.8.2, 5.8.4 The outcome of the PTES O&S panel's review of public conveniences has been fully considered in formulating the Council's future policy for providing public conveniences. The success of the policy in operation will be kept under periodic review. The provision by the Council of mobile urinals is not included for the immediate future, but could be considered when the policy is reviewed.</i></p>	Cllr Rosemary Todd – Waste
5.9 Take-away Food Outlets / Street Cleanliness / CCTV Coverage	<p>1 The Council Executive should explore possibilities provided by the Licensing Act 2003 to ensure that areas near take-aways are kept free of waste.</p> <p><i>VP See 5.9.2</i></p>	Cllr Vic Pritchard – licensing
	<p>2 The Council Executive should explore ways of making take-aways responsible for clearing away their own waste. This is already the case for McDonalds in Bath who must clear waste from outside their shop every 30 mins.</p> <p><i>VP 5.9.1 & 5.9.2 Hot food and drink establishments do come under the umbrella of the new Act. The Council will therefore be able to impose such conditions.</i></p>	Cllr Vic Pritchard – environmental health
	<p>3 The Council Executive should explore the control of licensing hours of take-aways and mobile take-aways with a view to reducing late night congregations of people which may cause disturbance.</p> <p><i>VP 5.9.3 The Act seeks to avoid large numbers simultaneously leaving premises thereby reducing the potential for late night congregations and queuing. Take aways will require a licence under the new Act and hours may be limited.</i></p>	Cllr Vic Pritchard – licensing
	<p>4 CCTV coverage should be extended to cover Grand Parade, Bath and the CCTV coverage in Midsomer Norton should not be obscured by trees.</p> <p><i>VP 5.9.4 Additional CCTV coverage may be provided as Community Safety Partnership prioritised resource becomes available. A programme of regular tree lopping has been agreed to prevent obscuration of CCTV cameras in various locations including Midsomer Norton.</i></p>	Cllr Vic Pritchard – CCTV
	<p>5 Extra CCTV cameras should be installed, if necessary, to ensure coverage of take-away establishments that may become hotspots for late night disturbance.</p> <p><i>VP 5.9.5 See 5.9.4.</i></p>	Cllr Vic Pritchard – CCTV

APPENDIX 1

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	<p>6 In granting licenses/planning consents to takeaway food outlets the council should consider whether they should be within the existing CCTV coverage.</p> <p><i>VP 5.9.6 I am sure the regulatory Licensing Committee will consider the extent of CCTV coverage when determining applications.</i></p>	<p>Cllr Vic Pritchard – CCTV</p>