

Number	Person making representation	Paragraph of policy	Comment	Officer response	Recommendation
1.	Ian Perkins Federation of Bath Residents Associations	1.2	We are pleased to see that improving the quality of life for residents and increasing the attractiveness of the area to visitors is recognised as a purpose of the policy. The document needs to indicate how improvements in respect of these two groups will be monitored. If the policy is not to monitor that should be made clear.	It is a Statement of policy not a means to evaluate the impact of the Licensing Act 2003. The licensing authority already facilitates the improvement of the quality of life to residents and the attractiveness of the area by ensuring that it makes balanced decisions on applications. It also works in partnership with the Police in enforcing conditions and giving advice and assistance both to residents and to licence holders. Para 21 contains details on enforcement.	No change
		1.3 and 1.4	We note the Council objective in 1.3 of increasing the number of establishments open in the evening, but see no evidence for the hope you express in 1.4 that this will encourage greater use of licensed premises in the evening by people of all ages and groups, and reduce crime. The nature and quality of the offer is more relevant to the objective and these considerations are broader than the 4 paramount objectives of licensing set out in the legislation but we believe they should be covered in this policy document, to give the implementation of policy a local context. In themselves the 4 objectives are about avoiding negative outcomes. They should be seen explicitly in a context of promoting quality of provision in a World Heritage city.	The Act is clear on the licensing objectives and that it is only these which Licensing authorities should take into account when determining applications. The licensing objectives are not related to the quality of provision. Refer also to the above.	No change
		6.7	The quality of resident and visitor experience depends on effective enforcement of the full range of statutory conditions. The document should explain how this is to be achieved. It is the customer experience, and that of neighbours, that counts and that justifies the range and cost of statutory interventions.	The Licensing Act 2003 and case law is clear that, where other statutory controls exist, then there should not be any regulatory duplication. Para 6.7 is clear in that it is not necessary to impose the same or similar statutory controls.	No change
		13.1	It has been repeatedly suggested that the authorities in Bath should put together a vision for the night-time economy, which licensing policy could then seek to implement. We understand that the Council is now looking at this and it should be mentioned here, whether the vision is complete by the time of publication or not.	The Council is currently considering a vision for the night time economy in Bath and, if implemented, will complement its Statement of Licensing Policy but will form no part of it.	No change
		14.1	The document needs to explain what integration has been achieved between these various strategies and note successes and indicate outstanding issues. Otherwise it tells us nothing.	It is a Statement of policy not a means to evaluate the impact of the Licensing Act 2003, or how strategies, unconnected with Licensing, are evaluated.	No change

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		16.17	These examples could also include a restriction of the area within the premises in which alcoholic drinks may be consumed, and a requirement that drinks should be served by waiter/waitress service, rather than to customers standing at a bar.	The list is not exhaustive and each application is taken on its own merits.	No change
		17	A new section should be inserted. Applicants for premises licences should be encouraged by the Licensing Department to discuss their proposals with local residents before any application is made. In many cases, residents' concerns can be met by some modification of the proposal, and the delay and cost of a hearing thereby avoided. Even if this cannot be made a statutory requirement, we think the licensing policy should encourage applicants and licensing agents, who have much influence on applicants, to follow this approach.	There is no statutory requirement that Licensing Authorities facilitate such discussions. See also para 17.4 and 17.5/.	No change
		18.2	Whilst staggered closing times can help to reduce friction in the evening, we doubt whether anyone outside the licensed trade still believes that later hours are a positive way of managing the night-time economy. This paragraph needs to recognise that later closing inevitably leads to later noise and disturbance on the streets, which increases problems for residents.	Flexible hours allow for a more gradual dispersal of customers from premises and therefore reduce the impact of anti social behaviour and disorder. There is no general presumption in favour of lengthening licensing hours and this Policy states, at Paragraph 18.4, that zoning is to be avoided on the grounds that it could lead to significant numbers of people moving across boundaries and causing problems.	No change
		36.6	To have any practical impact this paragraph needs to indicate what criteria the licensing authority will use in judging balance.	Each application is determined on its own merits (Para 6.3) and the licensing objectives are paramount. In this regard the Licensing Authority will consider the evidence put forward by the parties.	No change
		37.11	We believe it should be explained that the Portman Group is a group of large drinks companies, and speaks on their behalf.	It is understood that the Portman Group provide independent advice on best practice. The Portman Group is funded by several drinks companies as is Drinkaware, another independent advisory body.	It is recommended that Drinkaware is included in this paragraph and the removal of the last sentence.

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2.	John Barnes Strategic Planning Manager Children Services	Section 7.1	Children services	The list can be amended to show that responsible authorities have been consulted which would include Children's Services.	Amend the list to show that all responsible authorities have been consulted. Delete references to the Police and Fire Service as this is superfluous
		Section 8.1	Children Act 1989- This is the main legislation which governs services to children including children in need , children in care and children at risk of harm	There is no general duty imposed by the Children Act 1989 to consider the welfare of the child unlike the other statues in this paragraph.	No change
		Section 12.1	Every Child Matters – This the overall programme of the development of services to children .It is based on the Five Outcomes which are identified by children as being the most important for their lives Being Healthy Staying Safe Making a positive contribution Economic well being Enjoying and achieving	The list in the paragraph 12.1 relates to licensing and the welfare of children is implicit in these strategies.	No change
		Section 13.	The Children and Young People's plan .This is the basis of the services that are provided to children locally and sets out the objectives and principles for children locally. They are guided by the Department of Education's five outcomes for children in which staying safe and being healthy are the most relevant to the Licensing objectives.	This is the Council's policy dealing with the provision of services to children and their families and is outside the scope of this policy.	No change
		Section 14.3	The action plan of the Local safeguarding Children's board which plans for all of the areas where children's safety is needed to be improved.	As above	No change
		Section 16.19	The cumulative approach and measures that could be taken to control cumulative impact. Measures to control the alcohol sold to young people .There should be one person who should hold the responsibility for the protection of children on the premises and who would take responsibility for children and young people's welfare while they are on the premises	The cumulative impact (CI) policy is concerned with the potential impact of a number on the licensing objectives of a significant number of licenced premises concentrated in a given area. The suggested condition would not address the broad matters with which the CI policy is designed to deal with.	No change
		Section 23.17	These may include Processes to ensure that alcohol is not sold or provided to children or young people	This examples can be included.	Amend the paragraph to include the two examples

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		<p>Section 37.4</p> <p>Section 37.7</p> <p>Section 38</p>	<p>Not marketing alcohol so that it is attractive to young people Not allowing adult entertainment when children or young people are present Ensuring that staff are aware of the safety, health and welfare of children while they are on licensed premises. (Please see advice for applicants regarding the safeguarding of children).</p> <p>Clearly this relaxation places additional responsibilities upon licence holders to safeguard the welfare of children while they are on their premises .However it is also</p> <p>If there were a member of staff who had convictions against children and children were known to be visiting the premises.</p> <p>This section deals with the admission of children and young people to cinemas .Is there also a need to ensure that the sale of DVD's and games which are restricted by age are also controlled ?</p>	<p>This is a national issue and would also be difficult to enforce, so will not be included. This example can be included.</p> <p>This is covered by Health and Safety legislation and would also be difficult to enforce, so will not be included.</p> <p>This issue is beyond the scope of the Act.</p> <p>As above</p>	<p>No change</p> <p>No change</p>
3.	Councillor N Coombes Bathwick Ward	<p>Section 16</p> <p>Section 42.3 b + e</p>	<p>Regarding the draft statement of licensing policy, I have the following observations:</p> <p>I feel that the cumulative impact policy is unnecessary and ineffective. The methods outlined in 16.19 are sufficient and as such the cumulative impact policy should be revoked.</p> <p>I support the addition of these provisions</p>	<p>The cumulative impact policy (CIP) was adopted by Council following evidence provided by the Police and Primary Care Trust. Government guidance requires that where a CIP is in place the authority must continually review its impact and to date no evidence has been provided to justify the removal of the policy.</p> <p>Noted.</p>	<p>No change</p> <p>No change</p>

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		The Purple Flag	How will the quality of life of residents be measured? Reference is made to the Purple Flag but no explanation is offered as to how this policy will support the ongoing achievement of Purple Flag standards.	The policy is designed to facilitate the continued improvement and attractiveness of Bath in terms of entertainment and hospitality in order to retain its Purple Flag status.	No change
		Southgate	The reference to the Southgate fails to explain how the Licensing Authority will operate in relation to this development going forward.	The Southgate development is part of Bath to which the policy applies.	No change
		Relationship with Planning Policy	No attempt has been made to resolve this inherent conflict between licensing policy and planning policy or indeed other strategic policy processes. We are not aware of any legal barrier preventing the Licensing Authorities attempting to do this within its policy statement. This is of particular significance in relation to the Cumulative Impact Policy and to assist with this we attach an opinion we have receive from leading counsel on the de facto relationship.	It is beyond the scope of this policy to address planning and other policies. It is not clear why the CI is referred to here.	No change
		Licensing Objectives	This policy document does not explain how the licensing objectives will be measured nor how well the old policy succeeded in achieving them and therefore how this policy might have been shaped by that performance. The policy document does not explain how the licensing authority interprets these objectives, set nationally, in the local context.	It is a Statement of policy not a means to evaluate the impact of the Licensing Act 2003. It is a matter for the Court to interpret statutory provisions.	No change
		General Principles	The quality of resident and visitor experience depends on effective enforcement of the full range of statutory conditions. The document should explain how this is to be achieved. It is the customer experience, and that of neighbours, that counts and that justifies the range and cost of statutory interventions.	It is a Statement of policy not a means to evaluate the impact of the Licensing Act 2003. The licensing authority already facilitates the improvement of the quality of life to residents and the attractiveness of the area by ensuring that it makes balanced decisions on applications. It also works in partnership with the Police in enforcing conditions and giving advice and assistance both to residents and to licence holders. Para 21 contains details on enforcement.	No change
			Where the licensing authority seeks to rely on other legislation or statutory obligations it should give due consideration to how onerous enforcement of that legislation is particularly when the most likely to be affected by any breaches are individuals. Noise nuisance is a good example, since Environmental Protection	The imposition of conditions is unnecessary and disproportionate where there are duplications of other statutory regimes.	No change

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			<p>officers cannot or will not be proactive in enforcement, individuals affected by noise nuisance face a lengthy, onerous and bureaucratic procedure to get the nuisance addressed. This burden would be lifted if proper noise control conditions were attached to the premises licence.</p>		
		Relationship with the planning process	<p>Many applicants, rightly or wrongly, seem to operate under a belief that planning permission particularly as it relates to hours can be used to pressure the licensing process and visa versa and we think this policy should make it clear that this is not the case</p>	<p>The relationship between planning and licensing is dealt with fully in paragraph 9 of the policy.</p>	No change
		Integrating Strategies	<p>The document needs to explain what integration has been achieved between these various strategies and note successes and indicate outstanding issues. Otherwise it tells us nothing</p>	<p>It is a Statement of policy not a means to evaluate the impact of the Licensing Act 2003. The Licensing Authority has regard to integrating strategies as set out in paragraph 14 when determining applications.</p>	No change
		Cumulative Impact Policy	<p>We are pleased see 'needs of local community' added to the list of 'matters the licensing authority will have regard to'.</p> <p>Why do the Council's findings on Cumulative Impact, arrived at after thorough and exhaustive review, play no part at all in planning policy for the city centre and in decisions of the Local Planning Authority? There is no mention of cumulative impact in the Local Plan. Why not?</p>	<p>The Council's Local Plan is beyond the scope of this policy.</p>	No change
		Suggested additions to operating schedules	<p>The list of standard conditions for Cumulative Impact Areas is welcome. Conditions 2 and 10 could usefully be amended to read: 'SIA registered door staff (numbers to be stated) shall be on duty at (times to be stated) to supervise entry to and exit from the premises at busy times. Among their duties will be to ensure that customers gathering at or near the premises entrance are not excessive in number, do not litter or obstruct the pavement or highway and do not make such noise as is likely to disturb residents and others in the neighbourhood'.</p>	<p>The list in the policy contains suggestions only and is not exhaustive.</p>	No change
			<p>'The Licensing Authority will expect all licensed premises to take a socially responsible approach by participating in schemes such as Bath Night Watch or similar...' This is an empty expectation as it cannot be consistently enforced by the Licensing Authority unless there is an</p>	<p>As above.</p>	No change

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		<p>Other mechanisms for controlling cumulative impact</p> <p>Local Amenity</p> <p>The Portman Group</p>	<p>application for a new licence or a licence variation or through review of all the seventy-odd licenses that have been granted in the city centre.</p> <p>The use of “other mechanisms” includes</p> <ul style="list-style-type: none"> * Planning controls * Police enforcement of the 'general law concerning disorder and anti-social behaviour including the issuing of fixed penalty notices for relevant offences.' * The prosecution of any personal licence holder or member of staff at such premises who is selling alcohol to persons who are drunk'. We would be interested to know how often has this happened? * Police powers to close down instantly for up to 24 hours any licensed premises or temporary events on grounds of disorder, the likelihood of disorder or noise emanating from the premises causing a nuisance.' How often has this happened? <p>All these appear unenforced or unenforceable or both.</p> <p>To have any practical impact this policy needs to indicate what criteria the licensing authority will use in judging the balance between “the legitimate aspirations of the entertainment industry and the needs of the Residents”.</p> <p>We believe it should be explained how the Portman Group is funded and whom it seeks to represent</p>	<p>A number of the mechanisms are beyond the control of the licensing authority who work in partnership with the Police to enforce conditions and giving advice and assistance both to residents and to licence holders. Para 21 contains details on enforcement.</p> <p>Each application is determined on its own merits (Para 6.3) and the licensing objectives are paramount. In this regard the Licensing Authority will consider the evidence put forward by the parties.</p> <p>It is understood that the Portman Group provide independent advice on best practice. The Portman Group is funded by several drinks companies as is Drinkaware, another independent advisory body.</p>	<p>No change</p> <p>No change</p> <p>It is recommended that Drinkaware is included in this paragraph and the removal of the last sentence.</p>
5.	David Batho Chair Claverton Parish Council	Claverton Parish Council is broadly in agreement with the amended Statement of Licensing Policy but wish to	We share B&NESs aspiration for development of a healthier economy which feels safe and offers diverse activities to all. However, the above paragraphs appear to suggest that development of the area, by increasing the number of establishments, will reduce <i>fear</i> of alcohol	The licensing authority works in partnership with the Police in enforcing conditions and giving advice and assistance both to residents and to licence holders with a view to reducing the fear and incidents of alcohol related crime and disorder.	No change

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		comment on paragraphs 1.2, 1.3 and 1.4 of the Introduction.	<p>related crime and anti-social behaviour.</p> <p>We feel that increasing the number of establishments will reduce neither the <i>fear</i>, nor the <i>incidence</i> of, alcohol related crime and anti-social behaviour.</p> <p>It is one thing to promote development of the area. However, we feel that it is imprudent to suggest or, as is stated at 1.4, <i>hope</i> that realisation of such a goal will bring about a safer environment.</p>		
6.	<p>Martin Purchase</p> <p>Liquor Licensing Officer</p> <p>Bath Police Station.</p>		<p>The Police view is that the policy remains effective and serves the needs of promoting the management of the licensing regime and strikes a balance alongside other policies designed to achieve the same agenda.</p> <p>The cumulative impact policy as outlined within the BANES Licensing Policy has proved itself to be an effective measure that has ensured that controls and balances on new and variation applications within the stress area are placed within operating schedules, providing measures that seek to negate the impact of the proposed application. Applicants and their legal representatives contact responsible authorities and interested parties as a direct result of the policy to ensure that the measures they are proposing are considered to be effective measures to negate the impact, this has the desired effect of furthering the licensing objectives. This is a very effective tool in the management of the application process.</p>		<p>No change</p> <p>No change</p>
7.	Comments from the Licensing Committee		Councillor Hedges asked whether the Equalities Act 2010 needed to be referred to in paragraph 8.1 and whether any duties arising from it needed to be mentioned in paragraph 14.3. It was agreed that the Senior Legal Adviser would investigate and advise the Environmental Monitoring and Licensing Manager.		Paragraph 8.1 amended to include the Equalities Act 2010.

