

## **BATH AND NORTH EAST SOMERSET**

### **LICENSING COMMITTEE**

Monday, 6th October, 2014

**Present:-** Councillors Manda Rigby (Chair), Bryan Chalker, Anthony Clarke, Gerry Curran, Roger Symonds, Tim Warren, Chris Watt and Brian Webber

**Also in attendance:** Cathryn Humphries (Team Manager for Licensing and Environmental Protection), Andrew Tapper (Public Protection Officer) and Shaine Lewis (Principal Solicitor)

#### **10 EMERGENCY EVACUATION PROCEDURE**

The Democratic Services Officer read out the procedure.

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

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

#### **12 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

Apologies were received from Councillors Patrick Anketell-Jones, Cherry Beath and Andrew Furse.

#### **13 DECLARATIONS OF INTEREST**

There were none.

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

There was none.

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

There were none.

#### **16 MINUTES: 7 JULY 2014**

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

#### **17 REVIEW OF THE COUNCIL'S STATEMENT OF LICENSING POLICY**

The Team Manager for Licensing and Environmental Protection introduced this item. She said the draft revised policy was the result of ten months work by officers and stakeholders. The review had taken forward some of the recommendations from the Alcohol Scrutiny day held in 2013 which were to emphasise the role the licensing regime can play in supporting public health objectives. The aim had been to produce

a sustainable document that would be of practical assistance to licensees. The value of designating a cumulative impact area and the appropriateness of the currently designated area had also been considered.

A Member asked whether the Code of Best Practice appended to the new Statement of Licensing Policy could be amended without having to approve the whole Statement again. The Team Manager for Licensing and Environmental Protection replied that the Statement had to be reviewed every five years, but could be reviewed at any time. It was intended that the Code of Best Practice should be posted on the Council's website so that it could be easily updated to reflect current best practice. The Principal Solicitor advised that a late-night levy, for example, could be introduced before the five-year mandatory review of the Statement, but it would require a revision to the Statement and could not just be a Cabinet decision.

The Chair praised the workshop on safeguarding, which she and several members had attended before the meeting and wondered whether safeguarding principles could be incorporated in the Statement of Licensing Policy. Members discussed this. A consensus emerged that child protection and safeguarding officers should be consulted about licence applications when appropriate, and should in relevant cases attend licence application hearings. It was suggested that this should be stated in paragraph 36.6 of the Statement. It was also suggested by the Team Manager for Licensing and Environmental Protection that a paragraph on safeguarding could be included under the heading 'Legislation, Policies and Strategies'. A Member suggested that there should be a section on the report to Licensing Sub Committee which indicated that officers had considered safeguarding issues in relation to the application. The Chair said that safeguarding needed to be embedded in the process in the same way that disability awareness had been embedded in many administrative processes.

Members discussed the Cumulative Impact Area. One said that he had not been in favour of it when it had been proposed, and it seemed that there were more licensed premises in the Cumulative Impact Area than before it was designated; he thought it should be abolished. Other Members expressed scepticism about its usefulness. The Principal Solicitor suggested that the existence of the Cumulative Impact Area made applicants think more carefully about applications relating to premises in the Area and that some benefits for residents had been secured that might not have been otherwise.

At conclusion of discussions it was **RESOLVED** unanimously

1. To note the comments received from the consultation exercise and to accept the officer recommendations set out in Annex A;
2. To recommend that the revised Policy and Code of Best Practice, provided at Annex B, be presented to the Full Council at its meeting on 13th November 2014 with a recommendation that the Policy and Code of Best Practice be adopted.

It was also **RESOLVED** by 8 votes in favour and 1 against to recommend the continuation of the existing Cumulative Impact Area in Bath City Centre.

## 18 STREET TRADING POLICY

The Team Manager for Licensing and Environmental Protection introduced this item. She said that as part of the consultation on the revised Street Trading Policy a very successful workshop attended by street traders had been held. One trader, who also had pitches in many other local authority areas, had said that it was the first time he had ever been invited to come to meeting by a Council, and that he felt valued in being involved in the consultation. There were two major innovations in the proposed new Policy. The first was its extension to create consents for street performers or buskers who also traded, for example by selling CDs of their performances. The second was setting standards for the design of stalls and canopies. The intention is for the Council to purchase stalls and lease them back to traders over a period of years.

A Member referred to the recent incident when a service at the Abbey had to be abandoned because of a noisy performance from a nearby busker. The Team Manager for Licensing and Environmental Protection said that this was not covered by the Street Trading Policy, but powers would be available from 20<sup>th</sup> October 2014 under the Anti-Social Behaviour, Crime and Policing Act 2014 to issue Community Protection Notices and make Public Spaces Protection Orders. She said that consultation would be taking place about whether these new powers should be used in respect of the area around the Abbey. Members mentioned other instances of nuisance by buskers.

The Chair welcomed proposals for regulating the design of street stalls, which she felt would enhance the appearance of the City centre. Another Member wondered whether space was available for traders to store their stalls overnight. The Team Manager for Licensing and Environmental Protection said that traders had raised this issue and a review of possible storage areas in central Bath was ongoing, as well as a feasibility study on the provision of electricity to street pitches. A Member expressed concern that shop owners might feel that street traders, who did not pay business rates, were being unduly pampered.

In response to a question from a Member, the Team Manager for Licensing and Environmental Protection explained that this Policy did not cover pedlars, who were not permitted to take up pitches, but had to keep moving as they sold in order to comply with a specific Pedlar's licence.

The Chair thanked officers for their hard work in developing both Policies.

### **RESOLVED**

1. To note the comments received from the consultation exercise and to accept the officer recommendations set out in Annex B.
2. To recommend that the revised Policy, conditions and guidance provided at Annex B are presented to Cabinet at its meeting on 12<sup>th</sup> November 2014 with a recommendation that the Policy be adopted.

The meeting ended at 3.02 pm

Chair(person) .....

Date Confirmed and Signed .....

**Prepared by Democratic Services**