

## EXECUTIVE

YOU ARE REQUESTED TO ATTEND A MEETING OF THE EXECUTIVE TO BE HELD IN THE PRINCIPAL COMMITTEE ROOM, THE DEANE HOUSE, BELVEDERE ROAD, TAUNTON ON WEDNESDAY 14TH NOVEMBER 2007 AT 18:15.

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### **AGENDA**

1. Apologies
2. Minutes of the meeting of the Executive held on 17 October 2007 (attached)
3. Public Question Time
4. Declaration of Interests. To receive declarations of personal or prejudicial interests, in accordance with the Code of Conduct
5. Proposal to use the Cider Press Garden, Taunton as an outdoor dining area  
Report of Strategic Director (attached) Brendan Cleere
6. National Skills Academy for Construction for Project Taunton  
Report of Strategic Director (attached) Joy Wishlade
7. Improving Services in Somerset  
Report of Strategic Director (attached) Shirlene Adam
8. Revised Licensing Policy  
Report of Operations Manager (Public Safety) (attached)

The following item is likely to be considered after the exclusion of the press and public because of the likelihood that exempt information would otherwise be disclosed relating to the Clause set out below of Schedule 12A of the Local Government Act 1972.

9. Legal and Democratic Services Kevin Toller  
Report of Strategic Director (attached)

G P DYKE  
Democratic Services Manager  
06 November 2007





Members of the public are welcome to attend the meeting and listen to the discussion. Lift access to the main committee room on the first floor of the building is available from the main ground floor entrance. Toilet facilities, with wheelchair access, are also available. There is a time set aside at the beginning of the meeting to allow the public to ask questions



An induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter. If you require any further information, please contact Greg Dyke on:

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Website: [www.tauntondeane.gov.uk](http://www.tauntondeane.gov.uk) (Council, Executive, Review Board & Review Panel Agenda, Reports and Minutes are available on the Website)

## **Executive – 17 October 2007**

Present: Councillor Wedderkopp (Vice Chairman – in the Chair).  
Councillors Brooks, Coles, Horsley, R Lees, Mullins, Prior-Sankey and Mrs Smith.

Officers: Penny James (Chief Executive), Shirlene Adam (Strategic Director) Brendan Cleere (Strategic Director), Paul Carter (Financial Services Manager), Simon Haskell (Housing Accountant) John Williams (Chief Housing Officer), Phil Webb (Housing Manager – Property Services) and Greg Dyke (Democratic Services Manager)

Also Present: Councillors Bowrah, Cavill, Critchard and Williams.

(The meeting commenced at 6.15 pm).

### **103. Apologies**

Councillor Henley.

### **104. Minutes**

The minutes of the meetings held on 31 July and 3 October 2007, copies of which had been circulated, were taken as read and were signed.

### **105. Declarations of Interest**

Councillors Brooks and Prior-Sankey declared personal interests in the Task and Finish Review as members of Somerset County Council. Councillor Horsley declared a personal interest in the Capital Programme Update as Chair of the Taunton Association for the Homeless.

### **106. Task and Finish Review – A Review into Provision of Facilities for Young People**

Councillor Meikle, as Chair of this Review submitted its report. It was explained that it was never intended to find answers to all the problems and issues relating to provision of facilities for young people, what young people of different age groups want, and how to fund even the easiest and most obvious solutions. What the review did, was have a sensible yet spirited discussion on some of the issues relating to the community, agencies who provided services for young people and young people themselves.

The review made seven recommendations, some of which had a significant financial cost attached to them. Others would require some ongoing support.

In making the following recommendations, the review group believed that they had identified and addressed some concerns, and that if the recommendations were adopted, positive, measurable results would follow:

**Recommendation 1:**

Communities and groups that carry out LAT functions but who are not formal LATs, should be supported. To this end, a list of all non-LAT groups that provide LAT services should be compiled. Ward Councillors, Taunton Deane Borough Council and Somerset County Council, and its partners can then identify gaps in provision that need to be filled.

**Recommendation 2:**

That as soon as possible, a full time LAT coordinator be appointed to specifically serve the Taunton Deane area. This post should be community-focused and the post holder be actively engaged in helping set up new LATs, and supporting those that already exist. The salary level would have to be properly determined and budget made available, however it is expected that for a full-time post something in the range of £20,000 to £25,000 might be necessary.

**Recommendation 3:**

Where appropriate and affordable, increased outdoor and expeditionary activities should be made available, in order to develop and strengthen networks between young people in most need of them. This should be directly linked to the support and engagement strategies of Taunton Deane Borough Council and the County Council.

**Recommendation 4:**

To promote better political and organizational co-ordination within and between the County Council and Taunton Deane Borough Council, each authority should appoint a "Member Champion" for youth issues.

**Recommendation 5:**

A permanent liaison body should be set up to act as an informal forum for ideas, experiences, and new thinking.

- It should meet twice or three times per year
- All areas of youth "provision" should be represented, from statutory service providers to community groups
- It should discuss common goals and feed back on successes and failures
- It should be a discussion forum and liaison group, not a steering group
- It should not be allocated any budget
- This body should be jointly serviced by the County Council and Taunton Deane Borough Council, and jointly chaired by the Member Champion identified in recommendation 4

**Recommendation 6:**

County and Deane Councillors should be kept informed of the progress of the Wellington restorative justice scheme, and if successful, consideration be given to replicating the scheme with young offenders. The Scrutiny committees of the County and Deane should also monitor the pilot project.

**Recommendation 7:**

The Scrutiny committees of the County and Deane councils should monitor the effectiveness of mobile outreach.

Having considered the recommendations the Executive were broadly supportive of the conclusions reached by the review group. It was felt however that any subsequent action would be dependent upon budget constraints.

**RESOLVED** that the recommendations of the Task and Finish Review Group be noted and further considered as part of the Council's budget setting process.

#### **107. Young Enterprise Primary Programme in Taunton Deane**

Reported that in October 2006 proposals to deliver a Young Enterprise Primary Programme in Schools across the Borough had been agreed. This Programme was organised and delivered by Young Enterprise (South West), and was specifically aimed at primary school pupils.

It had also been agreed to fund this programme at £5000 for each of the years 06/07, 07/08, and 08/09 from the allocation of Local Authority Business Growth Initiative (LABGI) grant .

This scheme was an initiative to work with local primary school pupils to increase their understanding of the world of work / business and enterprise culture. The Young Enterprise Primary programme was delivered with the help of volunteers from the business community which helped build further links between Education and Business. It was noted, however, that it had proved difficult to recruit sufficient volunteer advisors during the first year of the programme. It was suggested that councillors and appropriate senior officers might be invited to fulfil this role. Young Enterprise had delivered well against its targets and promises for the year, details of which were submitted.

The second year of the Programme (2007/08) sought to enrol 24 schools on the scheme. Young Enterprise felt that they could achieve this target. In the third year the Programme would be delivered to 28 schools in the Deane.

Each School contributed to the costs of the Programme in its own premises, and individual school's financial contribution rose in subsequent years if they continued with the Programme. This additional income was used by Young Enterprise to help finance more schools joining the scheme.

Feedback from Schools and Advisors had been very positive, with all schools participating in the first year programme wishing to continue and signing up to continue with Programme in the current (new) school year.

In 2006/07 school year the cost of the Programme had been £5,000. This was financed from LABGI funds received from Government.

Proposals to continue and extend the Programme to a wider group of schools in the Deane during 2007/08 could be accommodated within the contract agreed with Young Enterprise at a cost of £5,000. This had been allocated from the 2007/08 LABGI award.

**RESOLVED** that;

- a) the success of the first year of the Young Enterprise Programme in Taunton Deane be noted;
- b) a contribution of £5,000 be made in the 2007/08 financial year to enable the Programme to be delivered to a wider range of schools across the Deane

**108. Exclusion of Press and Public**

**RESOLVED** that the press and public be excluded from the meeting for the following item because of the likelihood that exempt information would otherwise be disclosed relating to Clause 7 of Schedule 12A of the Local Government Act 1972, and the public interest in withholding the information outweighed the public interest in disclosing the information to the public.

**109. Capital Programme Update**

Submitted report, previously circulated, which gave details of the resources available for both the General Fund (GF) and the Housing Revenue Account (HRA) It also gave details of schemes which the Executive considered adding into the programme and provided background on the additional General Fund schemes which were being proposed in preparation for the 2008/09 budget round.

It was noted that additional receipts from sale of housing assets included £411k in respect of the sale of land at Poplar Road and other housing assets. It was felt that these resources should be earmarked to fund future affordable housing schemes. This meant that these receipts would not be subject to the usual 50% pooling rules. The Council was then able to retain and use all of the £411k capital receipt.

In June 2005 approval was given for the relocation of the Nursery. Consequently land at Highfields was recently purchased to enable this to proceed. The scheme had now reached such a stage that tenders had been received. This scheme should now be included within the capital programme.

The level of uncommitted housing capital resources was now in excess of £1.2m. Consideration was given to some additions to the Housing Capital Programme.

The table below detailed the proposed new schemes. Changes to the Capital Programme such as these were classed as Supplementary Estimates and therefore required Full Council approval.

<b>Scheme</b>	<b>Scheme Cost £000</b>
Works Deane DLO Depot to support housing restructure	60
Renovation Works at Sneddon Grove	140
Works at Roland Close	15
Reinstatement of the Cash Incentive Scheme at a reduced rate (for 2007/08 only)	60
Additional Funding required for Integrated Housing Management System	63
Choice-Based Lettings Scheme System	160
Extension of Homelessness Hostel at Taunton Association for the Homeless (see para 5.3 below)	250
<b>Total</b>	<b>748</b>

**RESOLVED** that Council be recommended that the above listed schemes be included within the General Fund and Housing Revenue Account Capital Programmes:

- a) General Fund – Plant Nursery relocation of £427k
- b) Housing Revenue Account:
  - To earmark the capital receipts from the sale of Poplar Road and other Housing land for affordable housing purposes
  - To approve additional capital schemes totalling £748k as detailed in the table set out above.

(The meeting ended at 7.40p.m.)



## **TAUNTON DEANE BOROUGH COUNCIL**

**Executive: 14 November 2007**

### **Report of Strategic Director – Brendan Cleere**

(This matter is the responsibility of Executive Councillor Richard Lees)

### **Proposal to use part of The Cider Press Garden (Taunton) as an outdoor dining area**

#### **1. Purpose of Report**

- 1.1 To seek the view of the Executive on a proposal to use part of the Cider Press Garden (Taunton) as an outdoor dining area.

#### **2. Background**

- 2.1 Loch Fyne Restaurants have expressed a keen interest in opening a new outlet to occupy the ground and lower ground floors of the Hunts Court building in Corporation Street, Taunton.
- 2.2 Hunts Court is one of Taunton's 'landmark' listed buildings and has been vacant for a number of years, since the departure of the County Council Social Services Department. The building already has planning and listed building consent for restaurant use on the ground and lower ground floors and residential use on the upper floor.
- 2.3 As a condition of their possible occupancy, Loch Fyne have requested that almost half of the adjacent Cider Press Garden be made available to them, for use as an outside seating and dining area. Outdoor service would be offered between 1<sup>st</sup> April and the end of September. A map showing the garden and area affected by this proposal (hatched in green) is attached as Appendix A.
- 2.4 The style of service that Loch Fyne are proposing would involve outside service from 9.00am until 10.30pm with the last people sitting down at 9.00pm. Furniture would be cleared at the end of each day, being lightweight and not noisy. Staff would always be present in the outside area, by virtue of wireless handheld technology for ordering. Staff would also manage customer seating and would not allow intoxicated and rowdy customers to enter the area. Tables would be laid up for dining, sending a clear message that this is not a beer garden. Loch Fyne have committed to keeping the space in immaculate condition and have invited members to view some of their

other restaurants with outside dining areas (in Portsmouth, Egham, Twickenham and Farnham).

- 2.5 During the months that Loch Fyne would be operating outside service, the area would be accessible only to restaurant customers. The area would need to be enclosed in some way to prevent access by the general public. Loch Fyne are prepared to discuss ways of enclosing the area that are sensitive to the surroundings.
- 2.6 Loch Fyne have made it clear that if they cannot use this open space, they would not be interested in occupying Hunts Court.
- 2.7 Loch Fyne's proposal to use this space would require a number of separate approvals from the Council – as planning authority, licensing authority and as owners/managers of the open space. This report relates only to this latter role.
- 2.8 In this role, the Executive will need to weigh up a number of facts and issues. These are summarised in section 3, below.

### **3. Facts and Issues to Consider**

- 3.1 The Cider Press Garden is a public open space, wholly owned and maintained by the Council since 1905. A covenant is in place protecting the site as public open space, and the proposed use would effectively close the space to the general public during business hours between April and September. However, if the Executive was minded to support the proposal and set aside the covenant protecting this part of the Cider Press Garden, a formal advertisement would need to be placed in a local newspaper. The Executive would need to consider any objections arising from this advertisement.
- 3.2 An informal consultation on this matter has already been undertaken recently, in which businesses in the vicinity and other stakeholders (such as the Civic Society and Town Centre Company) were informed of the proposal and their views sought. A similarly worded item was also placed in the Weekly Bulletin of 18 October 2007. The consultation letter is attached as Appendix B. Fifteen responses to the consultation were received, with eight against the proposal, six in support and one neutral. A summary of views expressed in these responses is provided in the table overleaf:

**Table 1: Summary of responses to informal consultation**

Views <i>for</i> the proposal	Views <i>against</i> the proposal
<ul style="list-style-type: none"> <li>• Fits well with 'Project Taunton' plans for a 'cultural quarter' in this part of Taunton. The proposal would widen range, quality and choice of eating establishments in Taunton.</li> <li>• The loss of this space for six months a year will be replaced many times over when Castle Green becomes public open space within the next five years.</li> <li>• Would enhance Corporation Street as a main route into the Town Centre and encourage a more cosmopolitan feel to the area. The addition of a dining area will provide a focal point for the link between Bath Place and Corporation Street, encouraging people to explore further.</li> <li>• Supportive, provided appropriate use and sympathetic design are ensured by licensing and planning conditions.</li> <li>• Hunts Court has been vacant for many years – the proposed use would be good for the building and Taunton as a whole. An external area would give the outlet a 'street presence' that the building itself does not lend itself to.</li> </ul>	<ul style="list-style-type: none"> <li>• The current space is well balanced, and a paved dining area to one side would be detrimental.</li> <li>• The central stone cider press is sculptural in form and benefits from the space around it.</li> <li>• Scepticism that the restaurant's business would actually depend on use of this space.</li> <li>• The area is an indirect asset to neighbouring Bath Place, enhancing its attractiveness as a shopping venue.</li> <li>• This is one of the few public open spaces in the Town Centre. Tranquillity would be lost.</li> <li>• Potential encouragement to customers of the neighbouring establishment (Pitcher and Piano) to use the other side of the garden.</li> <li>• Concern about changes to Hunts Court building which may be required to access the area.</li> <li>• The garden would become an outside smoking area for the restaurant and a 'rubbish tip' for cigarette butts and food spillage from plates and tables.</li> </ul>

#### 4. Recommendation

- 4.1 The Executive is **recommended** to decide whether it supports in principle the use of part of the Cider Press Garden for the purpose identified, subject to formal advertisement and consideration of objections, as well as licensing and planning consents.

**Brendan Cleere**  
**Strategic Director**  
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018823 356350  
November 2007

**Greg Dyke**

**Democratic Services Manager**

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Dear

## **INFORMAL CONSULTATION**

### **Request to use part of the Cider Press Garden (Corporation Street) as an outside dining area**

Taunton Deane Borough Council's Executive will meet on 14 November 2007 at 6.15pm to consider a request to allow part of the Cider Press Garden to be used as an outside dining area from 1<sup>st</sup> April until the end of September. The meeting is open to the public and takes place in the Principal Committee Room, Deane House, Belvedere Road, Taunton.

The Cider Press Garden is a public open space, owned and maintained by Taunton Deane Borough Council. The request for using part of this space as an outside dining area comes from a restaurant company interested in occupying the vacant Hunts Court building. Use of this space forms a vital part of the company's business plan and potential occupancy of Hunts Court.

The attached plan shows Hunts Court cross-hatched in blue, and the part of the public open space concerned cross-hatched in green, immediately adjacent to the building. This part of the open space is currently a grassed area, and agreeing to this request would see this paved and open for use solely by restaurant customers during trading hours from April to the end of September. The remainder of the space, including the route through the garden between Corporation Street and Bath Place, would remain open to the public, as would the outside area hoped to be used by the restaurant when they are not trading. The Cider Press itself would remain in its current position.

The proposal is at a very early stage and the Executive have not yet formed any view as to its merits. If the Executive (on behalf of the Council as landowner) was minded to support such an outside dining area, then the request would still need quite separate planning and licensing approvals. I should emphasise therefore that any decision made by the Executive will not in any way prejudice those formal applications.

The Executive would welcome your views on this matter before it meets on 14 November 2007. Please could you send any views by **5 November 2007** to the following address:

PTO

Greg Dyke  
Democratic Services Manager  
Taunton Deane Borough Council  
The Deane House  
Belvedere Road  
Taunton  
Somerset  
TA1 1HE

Or by email to [g.dyke@tauntondeane.gov.uk](mailto:g.dyke@tauntondeane.gov.uk)

Yours sincerely,

Greg Dyke  
Democratic Services Manager

## **Executive November 14<sup>th</sup> 2007**

### **Local people doing local jobs using local money: a proposal to establish a National Skills Academy for Construction (NSAfC) for Project Taunton**

#### **Report of Strategic Director – Joy Wishlade**

(This matter is the responsibility of Cllr Horsley.)

##### **Executive Summary**

As a progression of the ongoing work with ConstructionSkills, representatives from Taunton Deane Borough Council, Taunton East Development Trust, LSC, Business Link and Project Taunton unanimously agreed that a **National Skills Academy for Construction: Taunton** should be recommended to the Steering Group and ultimately to Taunton Deane Executive.

#### **1. Introduction**

NSAfC are planned for all 9 English regions; in the south west Academies are also being proposed or established in Swindon and in the county of Cornwall.

The 3 key outcomes are: 1) an on-site training facility, 2) a dedicated project coordinator, employed by the lead contractor and 3) a comprehensive training and development plan. In addition, there is enormous kudos and positive PR associated with National Skills Academies which include the following attributes:

- **Becoming a Centre of Excellence for work based learning**, creating a new benchmark in supporting the delivery of high quality learning and development for the full range of skills engaged in construction
- **Being driven by employers** who would engage in the development of training and development plans for each project, develop initiatives to meet training and development needs and provide financial and/or in-kind support to address skills issues

- **Providing strong community links** and provide training and learning opportunities for local people to engage effectively in construction as a career; from school, college or unemployed
- **Providing a more flexible approach to training** and learning provision which could be provided via a range of facilities such as: on-site training, using mobile training vehicles and local school, college and HE/FE provision
- **The ability to capture the lessons learned** on each project as each project proceeds, such as logistics techniques, modern methods of construction and other leading construction techniques such that the partnership can share these lessons with the Academy network

## 2. The Proposal

In practical terms the selected developer (in the first instance for Firepool) will:

1. Work with the NSAfC South West partnership (ConstructionSkills, SWRDA, LSC, JC+, FE/HE, Industry) to develop the town centre regeneration as a Skills Academy project in accordance with the principles and attributes above. Much of the delivery of the training will be from local providers such as SCAT.
2. Select a major contractor to facilitate and lead a NSAfC hub and develop and execute a training and development plan through a project coordinator, the post of which will be funded by ConstructionSkills
3. Work with the NSAfC SW partnership to develop a high level skills plan that details the training and development needs of Taunton
4. Ensure all local funding (inc LSC and SWRDA) supports the aims and objectives of a Taunton Skills Academy for Construction
5. Ensure local residents, especially those in North and East Taunton, are given employment priority and training in accordance with the Training & Skills policy in the Town Centre Area Action Plan
6. Ensure use of local companies for both procurement and the building supply chain (including TDBC's own supply chain) is maximised

In the short term:

- Roger Stone (Constructive Somerset), Mark Leeman (TDBC) and Robbie Lowes are working together to ensure the training and skills policy within

the Taunton Town Centre Area Action Plan and the above proposal are aligned.

- Job Centre Plus and Connexions will be invited to join the steering group
- A Skills for Occupiers steering group will convene
- A draft of the employment and training section for the Firepool developer agreement will be agreed with Ashfords

### **3. Policy Context**

The policy context for this work is reflected in the Town Centre Area Action Plan which was agreed by the Executive in July 2007 and is currently out for public consultation. An outline of the relevant sections are attached at Appendix 1.

### **4. Financial Implications**

There are no financial implications for the Council

### **5. Recommendation**

That the Executive gives its support to the establishment of a National Skills Academy for Construction in Taunton.



## **APPENDIX 1**

The Town Centre Area Action Plan has an important role to play in helping to deliver on a range of local employment priorities. These include:

- Providing a broader range of jobs, and particularly jobs within creative industries and the knowledge sector so helping to improve local pay
- Provision of training and generally helping to improve the range of local skills
- Helping deprived communities with access to employment and training

Improving skills for those in work and reducing worklessness is a priority within the Somerset Local Area Agreement (LAA). The LAA identifies deprived communities as being a particular area of focus for action. At the local level, the Taunton Deane Sustainable Community Strategy (SCS) prioritises the need to address low wage levels and low skills levels.

These priorities are consistent with the draft Taunton Deane Economic Development Strategy (EDS). Both the SCS and EDS note that particular focus should be given to North Taunton and Taunton East, both of which demonstrate levels of multiple deprivation within the top 25% in England. This deprivation is exacerbated by the low wage / low skills character of local economy.

The priorities within the SCS are to be addressed by specific actions. These actions seek to:

- Maximise the potential to create high wage, high skills jobs (within the private sector and especially creative industries / environmental technologies based industries)
- Ensuring joined up working between public, private and voluntary sectors to maximise the benefits for local people of major projects and developments (e.g. Project Taunton); and
- Bring about a greater proportion of local people employed within the construction phase of major projects in the Borough receiving work-based skills training.

Both the SCS and the EDS identify a need to work with Project Taunton to develop a Local Work & Skills Project to ensure that work opportunities and training is provided to local residents and particularly those from North Taunton and Taunton East.

### **Taunton Skills Academy for Construction**

Taunton Deane Borough Council's Project Taunton Steering Group and Project Taunton (along with support from other key partners) have approved the establishment of a "Taunton Skills Academy for Construction". This would be one of a select number of academies under the National Skills Academy for Construction (NSAfc) initiative. It would be developed in association with the NSAfc partnership consisting of ConstructionSkills, SWRDA, LSC, JC+, FE/HE and Industry. Key attributes of such academies are:

- **Becoming a Centre of Excellence for work based learning**, creating a new benchmark in supporting the delivery of high quality learning and development for the full range of skills engaged in construction
- **Being driven by employers** who would engage in the development of training and development plans for each project, develop initiatives to meet training and development needs and provide financial and/or in-kind support to address skills issues
- **Providing strong community links** and provide training and learning opportunities for local people to engage effectively in construction as a career; from school, college, unemployed, disadvantaged areas and the non traditional construction workforce such as women and ethnic minorities
- **Providing a more flexible approach to training** and learning provision which could be provided via a range of facilities such as: on-site training, using mobile training vehicles and local school, college and higher education provision
- **The ability to capture the lessons learned** on each project as each project proceeds, such as logistics techniques, modern and sustainable methods of construction and other leading construction techniques such that the partnership can share these lessons with the Academy network.

In practical terms, developers and relevant partners\* will work to achieve the following:

- Develop the town centre regeneration programme as a Skills Academy project in accordance with the principles and attribute outlined above.
- Work with a lead contractor to facilitate and lead a NSAfC hub (including on-site town centre training facilities) and execute a training and development plan through a project coordinator, the post of which will be funded by ConstructionSkills
- Work with the NSAfC partnership to develop a high level skills plan that details the training and development needs of Taunton
- Ensure that all local funding supports the aims and objectives of a Taunton Skills Academy for Construction
- Ensure the use of local companies for both procurement and the building supply chain is maximized
- Ensure that local residents, especially those in disadvantaged communities, are given employment priority and training
- Involve the Genesis Project (SCAT) to share best practice in sustainable construction methods

\* Relevant partners will be the NSAfC partnership and the Taunton Construction Skills Steering Group comprising representation from the Local Skills Council, Business Link, Job Centre+, Connexions, Project Taunton, TDBC, SCAT (including Genesis Project), Taunton East Development Trust & North Taunton Partnership

## **Policy TS1 - Training and Skills**

**The Borough Council and its partner organisations will work with developers and contractors to secure job sustainability in construction industries by improving local skills. The following will be undertaken:**

- a. Developers and partners will work together to ensure that an optimum proportion of construction related jobs are sourced from within the local area; and**
- b. Developers and partners will be required to invest in relevant training schemes for construction and/or allied trades skills and learning that provides for individual local workers to achieve industry accreditation and employment.**

Policy TS1 is applicable to all allocated sites within the TCAAP. Its delivery will be secured through a Section 106 agreement that shall require the developer and partners to prepare and agree the content of the following prior to commencement on site:

1. A NSAfC (south west partnership) led high level skills plan and an associated Training and Development Plan
2. A commitment to appoint the optimum proportion of subcontractors and workforce from amongst the construction industry within the local area. The local area is defined as: in the first instance from within Taunton Deane; in the second instance from within Somerset; and in the third instance within a 40 mile radius of Taunton. The developer will use best endeavours to ensure that this proportion is in excess of 50% of the labour used during the course of the construction period.
3. Work with local partners to develop plans and provide investment to enable local people (residents of Taunton Deane) to train in skills that will enable them to enter the construction industry. A particular focus will be residents of North Taunton and Taunton East and the non-traditional workforce such as women, ethnic minorities and the socially disadvantaged.
4. The Training and Development Plan (see 1. above) will identify the targeted skills and seek to achieve certificated progress for all local workers (those sourced from 2. and 3. above)

Construction related training will be provided on site, and provide opportunities to develop skills from basic through to advanced. Delivering training and skills to residents of North Taunton and Taunton East needs to be considered alongside the need to improve access between these areas and the town centre (refer to Chapter x).

It will be a central feature of this policy that local Community Development organisations should be both a potential deliverer of "base level" work readiness training where this appropriate, as well as the provider of services to developers to attract and recruit a potential workforce pool for consideration by site developers.

## **TAUNTON DEANE BOROUGH COUNCIL**

**EXECUTIVE 14 NOVEMBER 2007**

**Report of Strategic Director (Shirlene Adam)**

**(This matter is the responsibility of Executive Councillor S Coles)**

### **IMPROVING SERVICES IN SOMERSET (ISiS)**

#### **EXECUTIVE SUMMARY**

The purpose of this report is to request the Executive and Full Council to approve the “cashflow” funding requirement of the final negotiated deal on the Improving Services in Somerset (ISiS) programme.

Group Leaders, and Members of the ISiS Joint Members Advisory Panel were fully briefed, and supportive of this position prior to contract closure.

#### **1. Background and Introduction**

- 1.1 Members have been briefed on progress of the programme at regular intervals over the last 2 years. The most recent report was considered by both the Executive and Full Council of Taunton Deane Borough Council and Somerset County Council in July 2007.
- 1.2 The recommendation from these meetings was to proceed to contract closure “subject to” the financial formula set out in the report being satisfied. The final approval was delegated to Group Leaders, the Portfolio Holder, and the Chief Executive.
- 1.3 This group met on 26<sup>th</sup> September and were briefed on the final negotiated deal position. The unanimous decision of this group was to proceed to contract signature – which happened on 29<sup>th</sup> September 2007.
- 1.4 In order to finalise this Councils internal arrangements supporting the deal, there are some financial approvals required, as set out below – in section 3 of this report. The next section of this report is simply a reminder of the deal headlines.

## **2. The Deliverables**

- 2.1 As set out in earlier reports to Members, the commercial offering is subdivided into elements which focus on delivering enhanced support services, a major project to transform procurement across both authorities and a “menu” of transformation projects which effectively “translate” the aspirational elements of the Councils’ ambitions into projects which can be funded from procurement savings.
- 2.2 Service commencement on the core deal (back office and transactional services) is 1<sup>st</sup> November 2007 for IT services, with 1<sup>st</sup> December 2007 for all other in-scope services.
- 2.3 The final negotiated contract is for a fixed price deal for four “core” transformation projects (known as Wave 1 Transformation Projects). These projects are:
  - a) Enterprise wide SAP ERP implementation (and enabling projects)
  - b) Replaced Customer Relations Management systems and piloted Customer Access improvement
  - c) Roll-out of the People Excellence Model throughout the JVCO, hopefully as a precursor to organization wide roll out.
  - d) Procurement transformation
- 2.4 The report in July included a 5<sup>th</sup> transformation project (Property Transformation Strategy). Through the negotiations, this has effectively been mainstreamed, and will be delivered as part of the core deal.
- 2.5 Future transformation projects will be commissioned and approved on a business case by business case basis. There will be a regular process of refresh and review of the developing transformation project portfolio to ensure it is aligned with Councils’ priorities and ambitions.
- 2.6 A key component of the transformation programme is the transformation of our procurement processes. The savings generated will provide the funding stream for our transformation programme.

## **3. Financial Approvals**

- 3.1 The negotiated deal is affordable for Taunton Dean Borough Council, and fully meets the financial formula requirements set in July 2007.
- 3.2 However, there is a slight timing issue on the funding of the transformation projects. Whilst work on the procurement transformation project is already underway, it will clearly take a little time for the procurement savings to materialise. Meantime, there is a need to start work on the other transformation projects – particularly the SAP project – in order to deliver the service improvements and transformation capability so required by the Councils.

- 3.3 This means that there is a requirement to cover a “cashflow” position. There is no requirement for the Council to take on any permanent debt or to permanently fund from reserves.
- 3.4 Cashflow issues arise as part of the normal day to day business of the Council, and the Chief Finance Officer has the authority and responsibility in the Financial Regulations to manage this position. This can mean taking on borrowing.
- 3.5 The cashflow issue resulting from the transformation projects is partly capital and partly revenue.
- The capital cashflow requirement is £2m for a period of 5 years. This will be funded by borrowing, with the debts costs being funded from the procurement savings. This can be done within the existing Treasury Management Strategy.
  - The revenue cashflow requirement is £0.7m for a period of 2.5 years. This is effectively an “invest to save” initiative and will need to be funded from reserves. Again, this is a temporary “use” of reserves to fund an initiative that will fully repay the reserves within 2.5 years. This requires approval and is the substance of the recommendation below.
- 3.6 The revenue funding requirement of £0.7m could be funded from any of the Councils reserves. The transformation projects being delivered benefit all areas of the Council – affecting both General Fund and Housing areas. I therefore recommend that the £0.7m is supported from the following sources:-

General Fund Reserves	£200k
Housing Revenue Reserves	£200k
Self Insurance Fund	£300k

- 3.7 As mentioned above, this is a “cashflow” issue and not a permanent funding requirement. These amounts will be fully repaid to the above reserves within 2.5 years. As the Councils Chief Finance Officer I am satisfied that the above proposal is effective in using the Councils resources, and is prudent in leaving all reserves in an acceptable position.

#### **4. Recommendations**

- 4.1 a/ The Executive is requested to recommend to Full Council that the revenue cashflow funding requirement is resolved by way of supplementary estimates from the reserves. These will be approved on an invest to save basis and repaid within 2.5 years. The reserves are:-

General Fund Reserves	£200k
Housing Revenue Reserves	£200k
Self Insurance Fund	£300k

- b/ The Executive and Full Council are requested to note the capital cashflow funding requirement, and the proposed solution outlined above.

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**Background Papers:-**

Executive 24 May 2005 – “Joint Venture Arrangements For Corporate Services”

Executive 22 June 2005 – “Joint Venture Arrangements For Corporate Services”

Executive 20 July 2005 – “Joint Venture Arrangements For Corporate Services”

Executive 24 August 2005– “Joint Venture Arrangements For Corporate Services”

Executive 5 April 2006 – “Improving Services In Somerset – Business Case Update”

Executive 10 January 2007 – “Improving Services in Somerset – Progress Update”

Executive & Full Council 20 March 2007 – “Improving Services in Somerset Programme”

Executive & Full Council 18 July 2007 – “Improving Services in Somerset”

## **TAUNTON DEANE BOROUGH COUNCIL**

### **Report to the Council's EXECUTIVE**

**14 November 2007**

Report of the Operations Manager (Public Safety):

#### **Draft Revised Licensing Policy In Accordance With Licensing Act 2003 (This matter is the responsibility of Executive Councillor M Mullins – Portfolio holder for Environmental Services)**

### **1. Purpose of Report**

- 1.1 The purpose of this report is to advise members of the recommended revised licensing policy and to detail what has been done and what is being done in relation to drafting the licensing policy.

### **2. Background**

- 2.1 The Licensing Act is supplemented by guidance issued by the Department for Culture Media and Sport (DCMS). The guidance details what should and should not be included in a licensing policy. The starting point of the Licensing Act is that 24 hour licensing is permissible and that there are four objectives to the Act. These objectives are:

- (1) the prevention of crime and disorder;
- (2) public safety;
- (3) the prevention of public nuisance;
- (4) the protection of children from harm.

- 2.2 The Act and guidance also states that conditions should not be attached to licences that do not relate to the licensing objectives and that are covered by other areas of legislation. There should be no fixed closing hours and no zoning of areas.

### **3. The Effect of the Guidance and the Act**

- 3.1 If the guidance and Act were to be followed explicitly it would mean that any premises wishing to sell alcohol for consumption on or off the premises, provide food, provide entertainment, exhibit films or perform a play, they could do so up to 24 hours each day. The only conditions that could be attached to the licence must directly relate to the four licensing objectives.

### **4. Aims And Objectives Of Taunton Deane Borough Council's Licensing Policy**

- 4.1 To provide guidance on what would normally be approved in relation to an application for a licensed premises. This guidance would not be restricted to the applicant but would also provide advice for other interested parties such as nearby residents and businesses.

### **5. Key Changes Between The Existing And Draft Revised Policy**

- 5.1 The revised licensing policy is shown at Appendix 1 to this report. The key differences are:



- The revised licensing policy does not duplicate legislation or the Secretary of State's guidance.
- The revised policy does not include any references to the transitional arrangements, as they are no longer applicable.
- 

5.2 The specific changes in the policy are detailed in 2.1.2, 2.1.3 & 2.1.4. They are:

- The revised licensing policy places a presumption that there will be a last time of entry (1am) to licensed premises.
- The revised licensing policy encourages applicants to give more consideration to noise related issues, glass related injuries, smokers, smoking outside their premises and underage sales.

## **6. Consultation Process/Adoption Process**

6.1 All stakeholders, including licensed premises and responsible authorities were advised they would be a 12 week consultation process which would end on 2 November 2007. To date (1 Nov) once response has been received from the British Beer and Pub Association, (BBPA), The response is shown at Appendix 1. To Summarise the BBPA response they state:

- 2.1.4 is dangerously close to a blanket policy on hours.
- 2.3.4 is a presumption for favourable treatment.
- That there should be a reference to the Hampton Principles in relations to inspections and enforcement.
- That the Licensing Authority should state the legal period of notice for a Temporary Event Notice.

6.2 The draft policy is being considered by the Licensing Committee on the 6<sup>th</sup> of November, any suggested amendments will be verbally reported to the Executive on 14 Nov 2007. In order for the policy to be adopted it must be referred to Full Council on the 11 of December 2007.

## **7. Officer Comment to BBPA Response**

7.1 The Policy states all applications will be considered on their merits and therefore there is no blanket policy on hours. However if 2.14 was changed to read,," that applicants for late licensed premises will be expected to provide detailed reasons in their operating schedules for seeking to allow any new entry to the premises after 1am." This would reduce the risk of a legal challenge. The Licensing Authority Previously decided that there should be a presumption in favour for certain activities but that all applications would be considered on their merits. There is no need to repeat the Hampton Principles in the Licensing Policy. The Draft policy clearly states the legal Period of notice for a Temporary Event.

## **7. Recommendations**

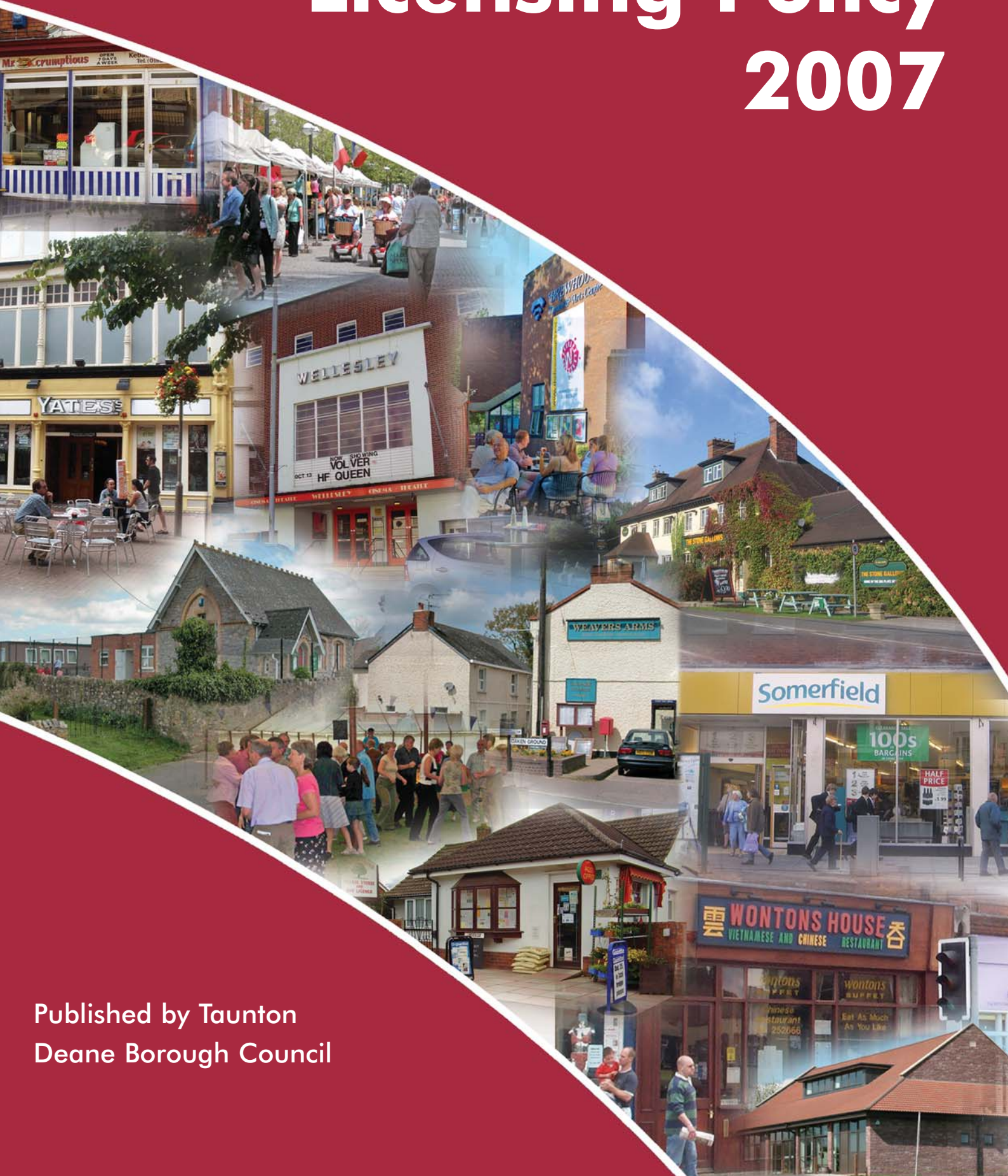
7.1.1 The Executive are recommended to review the draft revised licensing policy and suggest revisions they would like to be considered Full Council.

7.1.2 The Executive are recommended to change the wording in the Licensing Policy at para 2.14 to read, "that applicants for late licensed premises will be expected to provide detailed reasons in their operating schedules for seeking to allow any new entry to the premises after 1am."

## **Contact Officer:**

Jim Hunter      Operations Manager

# Draft Revised Licensing Policy 2007



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Information is also available from:

The Department for Culture Media and Sport, 2-4 Cockspur Street, LONDON, SW1Y 5DH.  
Telephone: 020 7211 6200 E-mail [enquiries@culture.gov.uk](mailto:enquiries@culture.gov.uk) Internet: [www.culture.gov.uk](http://www.culture.gov.uk)  
The Licensing Act can be viewed at: [www.hms.gov.uk/acts/acts2003/20030017.htm](http://www.hms.gov.uk/acts/acts2003/20030017.htm)

The Secretary of State's Guidance can be viewed at:  
<http://www.culture.gov.uk/NR/rdonlyres/597B72E2-61BC-44AD-98D2-6BC7208FD740/0/RevisedGuidanceJune2007.pdf>

## 1.0 Introduction

### 1.1 Background

1.1.1 **Taunton Deane Borough Council** (the Council) is the licensing authority under the Licensing Act 2003 (the Act). It is empowered to administer the following in respect of the sale and/or supply of alcohol and the provision of regulated entertainment and late night refreshment within the District:

- premises licences including provisional statements, variations, transfers, interim authorities and reviews
- club premises certificates
- temporary events notices
- personal licences

1.1.2 Unless otherwise stated this licensing policy will not depart from the revised Secretary of State's Guidance laid before Parliament on 28 June 2007. Therefore to reduce repetition if matters are detailed in the Guidance they may not be included in this policy

### 1.2 Aim

The Act requires the Licensing Authority to carry out its various licensing functions so as to promote the four licensing objectives.

The aim of this Licensing Policy is to set out how the Licensing Authority seeks to promote the four licensing objectives, which are:

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance
- the protection of children from harm

These four objectives will be the paramount considerations when determining a course of action in relation to the Licensing Authority's licensing functions. Each objective will be given equal importance.

### 1.3 Purpose

The main purpose of this policy is to provide clarity to applicants, interested parties and responsible authorities on how the Licensing Authority will determine applications to supply alcohol, provide regulated entertainment and operate late night refreshment.

### 1.4 Consultation

1.4.1 Before determining its policy for any three year period, the Licensing Authority will consult the following:

- the Chief Officer of Police
- the Fire Authority
- persons/bodies representative of local holders of premises licences
- persons/bodies representative of local holders of club premises certificates
- persons/bodies representative of local holders of personal licences
- persons/bodies representative of businesses and residents in the District



- 1.4.2 The Licensing Authority may consult beyond the statutory requirements, and seek comments from additional bodies, groups or individuals.

## 1.5 Fundamental Principles

- 1.5.1 This Policy sets out the Licensing Authority's general approach to the making of licensing decisions and is consistent with the provisions of the Act. Nothing in the Policy will undermine the right of any individual to apply for permissions and to have any such application considered on its individual merits. Similarly, nothing in the policy will override the right of any person to make representations on an application or to seek a review of a licence or certificate where provisions have been made to do so in the Act.
- 1.5.2 The Licensing Authority may only impose conditions on a premises licence if they are consistent with the operating schedule or after receiving relevant representations and only if a Licensing Committee or Licensing Sub-Committee determines the matter. Any conditions attached to the licence must relate to the promotion of the Licensing Objectives.
- 1.5.3 The Licensing Authority acknowledges that the Government believes that in some circumstances flexible hours for the sale of alcohol can help to ensure that the concentrations of customers leaving premises simultaneously are avoided.
- 1.5.4 It is necessary to consider national guidance in the context of local circumstances. Where licensed premises are surrounded by housing, unrestricted extensions of hours could extend the time of such disturbance to later in the night. The Guidance acknowledges that tighter control may be justified in residential areas and the Licensing Authority considers that this is particularly relevant to parts of its administrative area, always having regard to the individual merits of any application.
- 1.5.5 In general terms the Licensing Authority will closely scrutinise applications for premises licences showing a late terminal hour so as to be satisfied that they will have no adverse impact on the licensing objectives.
- 1.5.6 Once people are beyond the control of the individual, club or business holding the relevant authorisation licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour. Licensing law will always be part of a holistic approach to the management of the evening and night-time economy in this Borough.

## 2. General Principles

In all applications relating to premises, the Legislation requires applicants to specify methods by which they will promote the four licensing objectives in their operating schedules. The operating schedule should include reference to the measures the applicant intends to promote the licensing objectives.

### 2.1 Revisions to Policy.

- 2.1.1 The Licensing Authority have a duty to review their Licensing Policy and have therefore consulted with Responsible Authorities and other stakeholders since the implementation of the legislation in order to identify topics that may need to be added or removed from the Licensing Policy.
- 2.1.2 Specific areas of concern include:
- Sales of alcohol from "On" and "Off" licensed premises.
  - Glass related injuries.
  - Noise from music on the premises.
  - Nuisance and disturbance from smokers immediately premises.

- 2.1.3 Applicants for a premises licence are advised to include in their Operating Schedule, (where applicable) specifically how they prevent sales of alcohol to persons under 18, minimise glass related injuries and or assaults, prevent noise from licensed premises become a nuisance and manage customers outside their premises who are smoking.
- 2.1.4 Crime Statistics locally indicate that a last time of entry condition is assisting in the promotion of the licensing objectives it therefore expected that applicants for late licensed premises will detail in their operating schedules that there will be no new entry to the premises after 1am.

## 2.2 Children and cinemas

- 2.2.1 The Act requires applicants for premises licences and club premises certificates to copy details of their applications to a body which:
  - a) represents those who, in relation to any such area, are responsible for, or interested in, matters relating to the protection of children from harm, and
  - b) is recognised by the Licensing Authority for that area for the purposes of this section as being competent to advise it on such matters.
- 2.2.2 The Licensing Authority's policy is that the "Responsible Authority" in relation to the protection of children from harm will be Somerset County Council's Social Services Department at County Hall, Taunton, TA1 4DY. Further details will be available in the Licensing Authority's guidance documents.
- 2.2.3 The Licensing Authority will expect licensees of premises giving film exhibitions to include, in their operating schedules, arrangements for restricting children from viewing age restricted films. Such premises will be subject to a mandatory condition requiring that access will be restricted to only those who meet the required age limit in accordance with any certificate granted by the British Board of Film Classification, or in specific cases where such certificates have not been granted, the Licensing Authority.
- 2.2.4 The Licensing Authority does not intend to adopt its own system of film classification but reserves the right to amend the classification imposed by the British Board of Film Classification.
- 2.2.5 If the Licensing Authority attaches an age-restriction to any film that differs from the BBFC classification or attaches one to an unclassified film, the information about the Licensing Authority's classification will be published on the Council's website at [www.tauntondeane.gov.uk](http://www.tauntondeane.gov.uk).

## 2.3 Licensing Hours

- 2.3.1 With regard to licensing hours the Licensing Authority will consider each application on its individual merits.
- 2.3.2 Applications for premises licences with a terminal hour later than 12 midnight where the sale or supply of alcohol for consumption on the premises is the main activity or where the sale or supply of alcohol is accompanied by musical entertainment, will be subject to close scrutiny by the Responsible Authorities to ensure that there will be no adverse impact on the licensing objectives. Specifically, the applicant should ensure that the operating schedule for such a premises demonstrates how the licensing objectives will be met. Applicants are strongly recommended to seek the advice of both the Council's Licensing Officers and the Police in this regard.

- 2.3.3 This is a general policy and does not automatically mean that all applications will result in licences being granted until midnight or that no applications will be granted with a closing hour after midnight.
- 2.3.4 In considering these issues the Licensing Authority will give careful consideration to the nature of the venue proposed. For example, the Council is keen to promote establishments at which the service and consumption of alcohol is not the primary activity. These may include restaurants, theatres, cinemas, comedy clubs, galleries, museums, and similar venues. The Licensing Authority's experience is that such venues are liable to give rise to fewer public concerns, and so applications for such premises to operate past midnight are more likely to be successful.
- 2.3.5 The Licensing Authority will pay special regard to the proximity of residential uses to the proposed premises, the parking areas and routes taken by customers when arriving at and leaving the premises. Consideration will be given to the imposition of stricter noise control conditions, if representations are received in areas with a concentration of residential property.
- 2.3.6 The Licensing Authority considers that these issues will be of less significance where proposed premises are not within 250 metres of any residential property.
- 2.3.7 The Licensing Authority will expect premises to be cleared of patrons within a reasonable time of the terminal hour set for the premises. Applicants should state in their operating schedule the time they require to clear the premises. In normal circumstances, this will not exceed 30 minutes from the last sale of alcohol. Where the applicant can show that an extended period would assist in the promotion of the licensing objectives, the Council will consider permitting longer than 30 minutes.
- 2.3.8 Shops, stores and supermarkets will generally be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping, unless there are good reasons for restricting those hours. An example would be where the Police make representations that the premises are a focus of disorder and disturbance.

## 2.4 Maximum Capacities

- 2.4.1 The type of entertainment offered on licensed premises and the closing hour of premises permitted to provide alcohol to the public often have a direct link to crime and disorder, public nuisance and public safety issues. For example, there is generally more likelihood of crime and disorder and public safety problems occurring in a music and dance venue permitted to sell alcohol and open until 3 am than there is in a well managed public house located in a quiet back street that provides limited regulated entertainment and closes at 11 pm.
- 2.4.2 The Licensing Authority believes that some of the problems that may occur in late night licensed premises may be controlled by good management practices. However, controlling the numbers of customers allowed into the premises will also assist in promoting the following three licensing objectives:
- **the prevention of crime and disorder**
  - **public safety**
  - **the prevention of public nuisance**

## 2.5 Late Night Refreshment

The Licensing Authority will expect applicants for licences in respect of late night refreshment premises to detail in their operating schedules how they intend to promote the licensing objectives and in particular how they intend to address queue management, litter and noise disturbance.

## 3.0 Licensing Approach

### 3.1 Partnership Working

- 3.1.1 The Council recognises that Licensing functions are not the only means of promoting the licensing objectives. Delivery must involve working in partnership with Planning, Environmental Health, the Police, the Fire Authority, the Crime and Disorder Reduction Partnership, the Town Centre Manager, Pubwatch, local businesses and residents, Somerset County Council, transport operators and those involved with child protection.
- 3.1.2 The Council recognises that co-operation and partnership remain the best means of promoting the licensing objectives.

### 3.2 Integrating Strategies

- 3.2.1 There are many stakeholders involved in the leisure industry and many are involved in the promotion of the licensing objectives. A number of stakeholders' plans and strategies deal with matters related to the licensing function. Where this is the case the Council will aim, as far as possible, to coordinate them.
- 3.2.2 Cultural Strategy – The Council will monitor the impact of any decisions on the provision of regulated entertainment. The aim is not to deter live music, but to ensure that the licensing objectives are promoted. The Council will monitor the effect of licensing on the provision of regulated entertainment, particularly live music and dancing to ensure that any licensing conditions that impose any restrictions on such events are proportionate and reasonable.
- 3.2.3 Racial Equality – The Council is required under race relations legislation to have due regard to the need to eliminate unlawful discrimination and to promote equality of opportunity and good relations between persons of different racial groups. The impact of these issues on the Licensing Policy will be monitored and amendments will be made as necessary.
- 3.2.4 Enforcement Policy – All licensing enforcement will be conducted in accordance with the Enforcement Concordat and the Environmental Health Enforcement Procedures.

### 3.3 Avoiding Duplication

- 3.3.1 The Licensing Authority recognises the need to avoid, so far as possible, duplication with other regulatory regimes such as health and safety at work, fire safety, building control and planning. Conditions will not be imposed if the matters concerned are already provided for in other legislation. However, other legislation may not always cover the unique circumstances that arise in connection with licensable activities and in such cases tailored conditions may be necessary but only if relevant representations are received.
- 3.3.2 Non-compliance with other statutory requirements may be taken into account in reaching a decision about whether or not to grant a licence but only if relevant representations are received.

### 3.4 Vicinity

- 3.4.1 The term “vicinity” is used in the Act on a number of occasions and, in particular, with reference to those “interested parties” who may lodge objections to applications for premises licences and who may make representations concerning existing premises licences. The Act defines an “interested party” as being “a person living in the vicinity, a body representing persons living in



the vicinity, a person involved in a business in the vicinity or a body representing those persons”.

However, the Act does not define the term “vicinity”.

- 3.4.2 The Licensing Authority has decided that in order to assist applicants and residents it would be helpful to provide guidance as to how it will approach the meaning of the term “vicinity.” The Licensing Authority will normally treat the term “vicinity” as meaning within a 100 metre radius of the premises in question. However it is open to an applicant to argue that, in particular instances, an objection from an “interested party” within this radius is not relevant, for example, where a major traffic route lies between the resident and the premises and noise from the premises is highly unlikely to affect the resident. It is also open to an “interested party” located outside of this radius to argue that a representation is valid, for example, where the resident lives on the route from the premises to bus stops or main taxi ranks.

### 3.5 Conditions

- 3.5.1 Conditions may only be attached if relevant representations are received, any such conditions attached to licences and certificates will be tailored to the individual style and characteristics of the premises and events concerned.
- 3.5.2 However, where it is considered necessary to promote one or more of the licensing objectives the Licensing Authority will consider attaching conditions, if relevant representations are received, drawn from the Pool of Model Conditions set out in Revised Secretary of State's Guidance. This list is not exhaustive and additional conditions may be attached to any licence or authorisation. If a representation is received.

### 3.6 Enforcement

- 3.6.1 The Council is a signatory to the Enforcement Concordat and will follow the principles set out in it or any successor published by the newly formed Local Better Regulation Office.
- 3.6.2 The Council intends to use appropriate enforcement to promote the licensing objectives. Once licensed, it is essential that premises are monitored to ensure that they are run in accordance with their operating schedules, in compliance with the specific requirements of the Act and any licence conditions. It will also be important to monitor the District for unlicensed activities that require a licence.
- 3.6.3 The Licensing Authority has established protocols with Avon and Somerset Police Authority, Somerset County Council Trading Standards and Devon and Somerset Fire Authority on enforcement issues to ensure an efficient deployment of Police and Council Officers.

### 3.7 Live Music, Dancing and Theatre

- 3.7.1 The Council recognises the need to encourage and promote a broad range of entertainment, particularly live music, dancing and theatre for the wider cultural benefit of the community and in particular for children and young people.
- 3.7.2 When considering applications for such events and the imposition of any conditions if representations are received on licences or certificates, the Licensing Authority will carefully balance the need to promote the licensing objectives against these wider cultural benefits.

## 4.0 Administrative Issues

### 4.1 Temporary Event Notices

- 4.1.1 The Act states that the organiser of a Temporary Event must give the Licensing Authority a minimum of 10 working days' notice. However, in a significant number of cases this time period would not allow enough time for the organiser to liaise with the fire authority, the police and the relevant Council officers to ensure that the event passes off safely with minimum disturbance to local residents.
- 4.1.2 The Licensing Authority recommends that the Licensing Authority and the Avon and Somerset Police receive Temporary Event Notices at least 28 days before the planned event.

### 4.2 Applicants for Personal Licences

The Licensing Authority places particular emphasis on the role of premises supervisors and licensees and where the Police object on the grounds of prevention of crime and disorder there will be a presumption against issuing a personal licence to any applicant with an unspent conviction for a relevant offence. If the applicant can demonstrate exceptional and compelling reasons for disregarding the conviction, this will be taken into consideration.

### 4.3 Large Scale Events

Large Scale events of a temporary or more permanent nature will generally require detailed planning and more consultation with responsible Authorities and possibly representatives of other organisation concerned with safety. For such events it is therefore recommended that applicants for large scale events follow the procedure as detailed in Large Scale Event Procedure which can be seen at

[www.tauntondeane.gov.uk/tdbcsites/envh/eh\\_lic\\_2003/largeevents.asp](http://www.tauntondeane.gov.uk/tdbcsites/envh/eh_lic_2003/largeevents.asp)

a hard copy of the document can be obtained by requesting a copy in writing to The licensing Unit, The Deane house, Belvedere Road. Taunton. TA11HE.

### 4.4 Reviews of Licence or Club Premises Certificate

- 4.4.1 The Licensing Act details that; where a premises licence or club premises certificate has effect, an interested party or a responsible authority may apply to the relevant licensing authority for a review of the licence. The relevant licensing authority may, at any time, reject any ground for review specified in an application under this section if it is satisfied that the ground is not relevant to one or more of the licensing objectives, or in the case of an application made by a person other than a responsible authority, that the ground is frivolous or vexatious, or the ground is a repetition.
- 4.4.2 The Licensing Authority can on review of licence or certificate, revoke the licence or certificate, suspend the licence or certificate, remove the DPS, reduce hours or licensable activity or add conditions to the licence or certificate.
- 4.4.3 The Licensing Authority recommends that Persons or Bodies considering seeking a review should discuss the matter with the Licensing Unit to discuss possible alternatives and to ascertain the correct procedure.

### 4.5 Administration, Exercise and Delegation of Functions

- 4.5.1 The Council has a Licensing Committee, consisting of 15 elected members, to carry out its licensing functions and to make licensing decisions, except those functions relating to the making of a statement of licensing policy.

- 4.5.2 In the interests of speed, efficiency and cost-effectiveness the Committee will delegate certain decisions and functions to sub-committees and officers.
- 4.5.3 For example, where there are no relevant representations on an application for the grant of a premises licence or club premises certificate or Police objection to an application for a personal licence or to an activity taking place under the authority of a temporary event notice, these matters should be dealt with by officers.
- 4.5.4 The following table sets out the agreed delegation of decisions and functions to the Licensing Committee, Sub-Committees and officers.
- 4.3.5 This scheme of delegation does not prevent the referral of matters to a higher authority if considered appropriate in the circumstances of any particular case.

MATTER TO BE DEALT WITH	SUB-COMMITTEE	OFFICERS
Application for personal licence	If an objection is made	If no objection is made
Application for personal licence, with unspent convictions	All cases	
Application for premises licence/club premises certificate	If a representation is made	If no representation is made
Application for provisional statement	If a representation is made	If no representation is made
Application to vary premises licence/club premises certificate	If a representation is made	If no 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 authority	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 a police objection to a temporary event notice	All cases	

## APPENDIX A

### GLOSSARY OF TERMINOLOGY

Club Premises Certificate	means a certificate granted to a qualifying club under the Act in respect of premises occupied, and habitually used for the purposes of a club. Alcohol must not be supplied other than to members by or on behalf of the club.
Entertainment facilities	are defined as facilities for enabling persons to take part in entertainment for the purpose of being entertained. The descriptions of entertainment are making music, dancing, and entertainment of a similar description to that falling within those mentioned above. This definition is subject to Part 3 of Schedule 1 to the Licensing Act 2003 (interpretation).
Hot food or hot drink	<p>food or drink supplied on or from any premises is “hot” for the purposes of Schedule 2 to the Act if the food or drink, or any part of it:</p> <p>(i) before it is supplied, is heated on the premises or elsewhere for the purpose of enabling it to be consumed at a temperature above the ambient air temperature and, at the time of supply, is above that temperature,</p> <p>or</p> <p>(ii) after it is supplied, may be heated on the premises for the purpose of enabling it to be consumed at a temperature above the ambient air temperature.</p>
Interested Party	<p>is defined as:</p> <p>(i) a person living in the vicinity of the premises</p> <p>(ii) a body representing persons who live in that vicinity</p> <p>(iii) a person involved in a business in that vicinity</p> <p>(iv) a body representing persons involved in such businesses.</p>
Licensable activities and qualifying club activities	<p>are defined in the Licensing Act as:</p> <p>(i) the sale by retail of alcohol</p> <p>(ii) the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club</p> <p>(iii) the provision of regulated entertainment</p> <p>(iv) the provision of late night refreshment - for those purposes the following licensable activities are also qualifying club activities:</p> <p>(i) the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club for consumption on the premises where the supply takes place</p> <p>(ii) the sale by retail of alcohol by or on behalf of a club to a guest of a member of the club for consumption on the premises where the sale takes place</p> <p>(iii) the provision of regulated entertainment where that provision is by or on behalf of a club for members of the club or members of the club and their guests.</p>

Operating Schedule	<p>means a document that must be prepared by or on behalf of an applicant for a premises licence or club premises certificate containing a statement including the following matters:</p> <ul style="list-style-type: none"> <li>• the relevant licensable activities</li> <li>• the times at which licensable activities are to take place and any other times the premises are to be open to the public</li> <li>• information about the Designated Premises Supervisor</li> <li>• whether any alcohol sales are on and/or off sales</li> <li>• the steps being taken to promote the licensing objectives.</li> </ul>
Personal Licence	authorises an individual to supply or authorise the supply of alcohol in accordance with a premises licence.
Premises Licence	authorises the premises to be used for one or more licensable activity.
Provision of late night refreshment	<p>is defined as the provision of hot food or hot drink to members of the public, or a section of the public on or from any premises, whether for consumption on or off the premises between 11 pm and 5 am</p> <p>or</p> <p>at any time between those hours when members of the public, or a section of the public, are admitted to any premises, a person supplies, or holds himself willing to supply, hot food or hot drink to any persons, or to persons of a particular description, on or from those premises, whether for consumption on or off the premises.</p>
Regulated Entertainment	<p>is defined as:</p> <ul style="list-style-type: none"> <li>(a) a performance of a play</li> <li>(b) an exhibition of film</li> <li>(c) an indoor sporting event</li> <li>(d) a boxing or wrestling entertainment</li> <li>(e) a performance of live music</li> <li>(f) any playing of recorded music</li> <li>(g) a performance of dance</li> <li>(h) entertainment of a similar description to that falling within paragraph (e), (f) or (g) where the entertainment takes place in the presence of an audience and is provided for the purpose, or for purposes which include the purpose, of entertaining that audience. Any reference to an audience includes a reference to spectators. This definition is subject to Part 3 of Schedule 1 to the Licensing Act 2003 (interpretation).</li> <li>(i) Entertainment Facilities. This definition is subject to Part 1 of Schedule 1 to the Licensing Act 2003 (interpretation).</li> </ul>
Responsible Authority	<p>is defined as:</p> <ul style="list-style-type: none"> <li>(i) Chief Officer of Police for any Police area in which the</li> </ul>

	<p>premises are situated</p> <p>(ii) the Fire Authority for any area in which the premises are situated</p> <p>(iii) the enforcing authority within the meaning given by section 18 of the Health and Safety at Work etc Act 1974 for any area in which the premises are situated</p> <p>(iv) the local planning authority within the meaning given by the Town and Country Planning Act 1990 (c.8) for any area in which the premises are situated</p> <p>(v) the local authority by which statutory functions are exercisable in any area in which the premises are situated in relation to minimising or preventing the risk of pollution of the environment or of harm to human health</p> <p>(vi) a body which:</p> <p>(a) represents those who, in relation to any such area, are responsible for, or interested in matters relating to the protection of children from harm, and</p> <p>(b) is recognised by the licensing authority for that area for the purposes of this section as being competent to advise it on such matters</p> <p>(vii) any licensing authority (other than the relevant licensing authority) in whose area part of the premises is situated</p> <p>(viii) in relation to a vessel:</p> <p>(a) a navigation authority (within the meaning of section 221(1) of the Water Resources Act 1991 (c.57)) having functions in relation to the waters where the vessel is usually moored or berthed or any waters where it is or is proposed to be, navigated at a time when it is used for licensable activities</p> <p>(b) the Environment Agency</p> <p>(c) the British Waterways Board, or</p> <p>(d) the Secretary of State</p> <p>(e) a person prescribed for the purpose of this subsection.</p>
Temporary Event	is defined as the use of premises for one or more of the licensable activities during a period not exceeding 96 hours usually where a premises licence covering the licensable activity is not in place.
Temporary Event Notice	a document giving notice to the Licensing Authority of intention to hold a temporary event.