

Bristol City Council

Minutes of the Licensing Committee

10 November 2022 at 10.00 am



Members Present:-

Councillors: Marley Bennett, Sarah Classick, Chris Davies, Richard Eddy, Emma Edwards, Jonathan Hucker, Philippa Hulme, Brenda Massey, Steve Pearce, Guy Poultney, Christine Townsend and Chris Windows

Officers in Attendance:-

Jonathan Martin (Licensing Manger), Abigail Holman (Licensing Team Leader), Lynne Harvey (Legal), Nick Pates (Highways), Oliver Harrison (Democratic Services)

1. Welcome, Introductions and Safety Information

The Chair welcomed everyone to the meeting and issued the safety information.

2. Apologies for Absence.

Apologies were received from Councillors Goggin and Grant.

3. Declarations of Interest

None received.

4. Minutes of Previous Meeting

The minutes of the previous meeting on 28 July 2022 were extensive and some members requested amendments to their respective sections. Members were asked to send these amendments to the clerk.

RESOLVED the minutes of the previous meeting on 28 July 2022 are approved as a correct record, subject to amendments submitted to the clerk.

5. Public Forum



None received.

6. Pavement Licensing Policy

Licensing Officers introduced the Pavement Licensing Policy and highlighted the following points:

- In 2020, Central Government streamlined processes to make it easier for hospitality businesses to work outside. The Government now intends to make this permanent.
- Government guidance has been published recently and BCC must consider it in applications. The draft policy presented today will formalise guidance to help BCC make decisions on permitting furniture on the highway. This does not apply to permanent furniture or structures. Officers gave visual examples of different structures on the highway.
- There needs to be a Traffic Regulation Order (TRO) on the highway to allow pedestrianisation before furniture can be permitted. For example, a TRO is in effect on Cotham Hill allowing furniture on street. Temporary Traffic Regulation Orders (TTRO) allowing furniture on non-pedestrianised streets has expired.
- Outside structures on the highway can have complicated regulations, including outside beverage license, planning, electrics, building regulations, etc. BCC's various regulatory departments are responsible for this. Structures must be safe as they very close to traffic. Temporary structures are no longer permitted.
- The draft policy "tables and chairs" is just to cover removable furniture and pavement licensing is a matter for the Licensing Committee. Most outside trading will fall under this policy.
- Officers recommend no consultation as this draft policy replicates national policy and guidance. This is a temporary policy; a newer version will be developed later and will include consultation.
- An Equalities Impact Assessment was circulated to the committee before the meeting. This assumes the same demographics using highways as per residents in the city.
- Disabled people and young children can be affected by on-street furniture for accessibility reasons. It is a universal condition that there be no obstructions on the pavement.
- Having a formal policy is useful for transparency as it clearly shows how BCC is making decisions.
- Officers are working closely with businesses and wants to help them succeed. BCC is also developing a guidance document that will cover all regulations and procedures needed for applicants to deliver outside hospitality.

The following points arose from questions and debate:

- Members asked whether there was a way to mark outside structures with a permissions notice, so that members of the public can be confident it has passed regulation. This would be a decision for the planning and highways departments who control those regulations, but licensing officers are happy to pass on the suggestion. ACTION
- A structure license cannot be issued until the structure has planning permission. The planning process has an inherent public engagement stage.
- On sections of the street where there are structures, but cars are present, the Temporary Traffic Regulation Order (TTRO) will have expired. Officers have worked with Business Improvement



Districts to enable certain areas for outside hospitality. Officers are meeting with members about enforcement on unregulated areas.

- Officers are being as practical as possible and are working with the hospitality industry. There is a better understanding on what is required from all sides. It has been beneficial to change usage rules for certain streets and that needs to be maintained by making some adjustments on TROs.
- Laypersons are unlikely to know the difference between highway, carriageway, etc. Officers agreed to add a glossary to the policy. ACTION
- Under the table and chairs licence, businesses must maintain access for emergency vehicles. Furniture on street can compromise access, which is something officers are investigating. The emergency services are part of the consultation process.
- It is not possible to use a TTRO for hospitality reasons. Traffic Regulation Orders are permanent but are expensive and take a long time to process.
- TTROs expired in April 2021. Some were extended for 18 months to help the hospitality industry.
- For this policy, there is no legal requirement to consult and there is no precedent to do so. This policy makes the current process formalised. For more contentious policies such as changes to taxi vehicle regulation, consultation is necessary.
- Officers gave members a brief run through of what the application process would look like for a trader. This includes the statutory requirement to consult on individual applications.
- p.8 of the Equality Impact Assessment has the 'no' box ticked on pregnancy / maternity, but this should be yes. Tables and chairs on street frequently cause access problems for pushchairs and wheelchairs. Members recommended specific provision for maternity in version 2 of this policy.
- Members wanted to discourage businesses from using outside heaters due to their energy and environmental cost. This can be discussed in the working group for version 2.
- There is no appeal process for the policy, although applicants can request a review of their application, which will be conducted by a senior officer / manager. As with all Local Authority decisions, applicants can appeal via Judicial Review but would need to prove the decision was legally unreasonable. Having a robust policy makes reviews and appeals less likely.

Following discussion, Councillor Eddy moved that the draft Pavement Licensing Policy be approved, which was seconded by Councillor Hucker. Upon being put to the vote (9 for, 3 against, 0 abstaining), it was:

RESOLVED: that the draft Pavement Licensing Policy be APPROVED.

Meeting ended at 11.30

CHAIR _____



