

Bath & North East Somerset Council		
MEETING/ DECISION MAKER:	Council	
MEETING/ DECISION DATE:	13 <sup>th</sup> November 2014	
TITLE:	Licensing Act 2003- Review of the Council’s Statement of Licensing Policy	
WARD:	All	
AN OPEN PUBLIC ITEM		
<b>List of attachments to this report:</b>		
<b>Annex A-</b> Copy of the responses to the online consultation exercise on the proposed Statement of Licensing Policy and Code of Best Practice for Licensed Premises		
<b>Annex B-</b> Copy of the proposed Statement of Licensing Policy and Code of Best Practice for Licensed Premises, including amendments from the consultation (in red)		
<b>Annex C-</b> Night Time Economy evidence for Bath and North East Somerset		

## **1 THE ISSUE**

1.1 Section 5 of the Licensing Act 2003 ("the Act") requires a Licensing Authority to prepare and publish a statement of its licensing policy every five years. Such a policy must be published before the Authority carries out any function in respect of individual applications made under the terms of the 2003 Act. During the five year period the policy must be kept under review and the Licensing Authority may make any revisions to it as it considers appropriate. The Council last reviewed its policy in 2010.

1.2 This report identifies the findings of the consultation exercise carried out on the proposed revision of the Council's Statement of Licensing Policy and the introduction of a Code of Best Practice for Licensed Premises.

## **2 RECOMMENDATION**

2.1 The Council adopts the Policy and Code of Best Practice provided in Annex B, having had regard to the responses received following the consultation exercise (set out in Annex A),

2.2 The Council is also asked to recommend the continuation of the existing Cumulative Impact Area in Bath City Centre.

### **3 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)**

3.1 There are no financial, property or people implications presented by the adoption of this Policy and Code of Best Practice.

3.2 Costs for the licensing function will continue to be met from current licence fees. Fees are reviewed on a periodic basis to ensure that they are set at a level which covers costs only.

### **4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL**

4.1 The basis for this report stems from a statutory duty on the Council to review its Statement of Licensing Policy every five years.

### **5 THE REPORT**

5.1 The Council have completed a thirteen week consultation on the review of its Statement of Licensing Policy in relation to the 2003 Licensing Act. For the first time a Code of Best Practice for Licensed Premises has been created to provide practical ideas on how licensees can achieve best practice with respect to the promotion of licensing objectives. The opportunity has also been taken as part of the consultation to review the area of the Cumulative Impact Policy which was introduced by the Council in 2007.

5.2 The report brings the findings of the consultation exercise together with officer comments and recommendations. An online consultation tool was used via the Council's website and respondents were requested to answer questions and provide general comments. 17 people/organisations responded to the online consultation and an analysis of their comments is provided in Annex A.

5.3 Copies of the amended Statement of Licensing Policy and Code of Best Practice, which includes the officer recommendations, is provided in Annex B.

5.4 The consultation included those listed below:

- The chief officer of police for the area;
- The fire and rescue authority for the area;
- 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 area;
- All Ward Councillors, Town Councils and Parish Councils;
- All 3<sup>rd</sup> tier Council Officers;

5.5 The Act states the above persons/bodies should be consulted and the Statutory Guidance states their views should be given appropriate weight when the policy is determined.

5.6 The Government's guidance also states;

- All statements of policy should begin by stating the four licensing objectives, which the licensing policy should promote
- While statements of policy may set out a general approach to making licensing decisions, they must not ignore or be inconsistent with provisions in The Act
- No statement of policy should override the right of any person to make representations on an application or to seek a review of a licence or certificate where provision has been made for them to do so in The Act
- Policies should make it clear that licensing is about regulating licensable activities on licensed premises, by qualifying clubs and at temporary events within the terms of The Act
- The conditions attached to various authorisations will be focused on matters which are within the control of individual licensees and others with relevant authorisations
- The statement of policy should also make it clear that licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises
- Statements of licensing policy should include a firm commitment to avoid attaching conditions that duplicate other regulatory regimes as far as possible
- Statements of policy, should express the intention to establish protocols with the local police and the other enforcing authorities

Further information regarding what should be contained in a Statement of Licensing Policy can be found in Home Office guidance issued under section 182 of the Licensing Act 2003. The link for this guidance is replicated below:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/209526/1167-A\\_Licensing\\_Act\\_2003\\_2\\_.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/209526/1167-A_Licensing_Act_2003_2_.pdf)

5.7 With regard to the existing Cumulative Impact Area (CIA) in Bath city centre, research was commissioned from the Council's Strategy and Performance team on the occurrence of incidents of anti-social behaviour within the Cumulative Impact Area since its introduction in 2007. A report summarising the findings of this research are found in Annex C. Comments were sought from Avon and Somerset Police on whether the geographical area of the CIA should be amended in light of this data, especially as there appeared to be a reduction in the incidence of anti-social behaviour in and around the Walcot Street area.

5.8 The view of Avon and Somerset Police is that Walcot Street continues to be a location for calls about anti-social behaviour and the street also serves a footway

out of the city for those members of the public who are not taking taxis home. Therefore, their recommendation is that the geographical area of the CIA should remain the same. This recommendation is endorsed by officers and the Licensing Committee in its meeting on 6<sup>th</sup> October 2014.

- 5.9 Both the proposed Statement of Licensing Policy and Code of Best Practice has been discussed and endorsed by the Licensing Committee in its meeting of 6<sup>th</sup> October 2014.

## **6 RATIONALE**

- 6.1 The rationale for this report stems from a statutory duty on the Council to review its Statement of Licensing Policy every five years.
- 6.2 The policy also links to the Council's duty to reduce crime and improve the public realm.

## **7 OTHER OPTIONS CONSIDERED**

- 7.1 Advice has been sought from the Council's Legal Services, the Council's Monitoring Officer and Section 151 Officer (Resources Director). All have had the opportunity to input to this report and have cleared it for publication.

## **8 CONSULTATION**

- 8.1 A consultation process has been carried out involving the following groups:

- all statutory consultees;
- Licensing Committee,
- Planning, Transportation and Environment Policy Development and Scrutiny Panel;
- North Somerset Council
- Visitors to the Bath City Conference
- Student Community Partnership
- Night Time Economy Group
- Alcohol Harm Reduction Steering Group
- Midsomer Norton Community Alcohol Partnership

- 8.2 In addition a stakeholder workshop was held on 17<sup>th</sup> July 2014 which was attended by representatives from Responsible Authorities, Resident's Associations, the Bath Business Improvement District and Councillors. Presentations were delivered by Avon and Somerset Police, the Council's Public Health Team and the Abbey Resident's Association. Approximately 25 people attended and overall feedback indicated that 60% of attendees considered that the workshop fully met their needs.

8.3 This report has not been sent to the Trades Unions because there are no staffing issues resulting from it.

## 9 RISK MANAGEMENT

9.1 A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision making risk management guidance.

<b>Contact person</b>	<i>Cathryn Humphries, Licensing and Environmental Protection Team Manager (01225 477645)</i>
<b>Background papers</b>	<i>None</i>
<b>Please contact the report author if you need to access this report in an alternative format</b>	

