

BATH AND NORTH EAST SOMERSET

LICENSING COMMITTEE

Thursday, 24th April, 2025

Present:- Councillors Toby Simon (Chair), Michael Auton, Samantha Kelly, Sarah Moore, Ann Morgan, George Tomlin and Shaun Hughes

Also in attendance: Carrie-Ann Evans (Team Leader (Barrister), Legal Services), Michael Dando (Lead Officer (Licensing)) and Jacob Booth (Public Protection Officer)

1 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer began the meeting by asking for a nomination for the Chair of the Committee in the absence of the current Chair, Councillor Steve Hedges.

Councillor Sarah Moore proposed that Councillor Toby Simon act as Chair of the Committee for the duration of the meeting. Councillor Michael Auton seconded the proposal.

The Committee **RESOLVED** that Councillor Toby Simon would act as Chair of the Committee for the duration of the meeting.

The Democratic Services Officer drew attention to the Emergency Evacuation Procedure.

2 ELECTION OF VICE-CHAIR (IF DESIRED)

No Vice-Chair was required on this occasion.

3 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies to the Committee had been received from Councillor Steve Hedges, Councillor Onkar Saini and Councillor Tim Warren.

4 DECLARATIONS OF INTEREST

There were none.

5 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was none.

6 ITEMS FROM THE PUBLIC - TO RECEIVE STATEMENTS, PETITIONS OR QUESTIONS

There were none.

7 MINUTES: 24TH JANUARY 2024

The Committee confirmed the minutes of the previous meeting as a true record and they were duly signed by the Chair.

8 LICENSING ACT 2003 - REVIEW OF STATEMENT OF LICENSING POLICY

The Lead Officer (Licensing) introduced the report to the Committee. He explained that whilst reference is made to the Equality Act 2010 within the Policy there was no dedicated paragraph and therefore they propose that the following wording be added to the draft policy.

46.EQUALITY ACT 2010 (“the 2010 Act”)

46.1 BANES must, in the exercise of its functions, have due regard to the need to eliminate discrimination, harassment, victimization and any other conduct that is prohibited under the 2010 Act; advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

46.2 The relevant protected characteristics are:

- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- race;
- religion or belief;
- sex;
- sexual orientation

46.3 Further guidance in relation to the Equality Act 2010 is available at <https://www.gov.uk/guidance/equality-act-2010-guidance> and BANES’ Equality and Diversity resources and reporting can be found here <https://www.bathnes.gov.uk/equality-and-diversity>

The Lead Officer (Licensing) also advised that the Committee would be asked to approve the following updated recommendations.

- i) Note the responses to the public consultation exercise and to accept the officer recommendations in Appendix 1.
- ii) Recommend the revised Statement of Licensing Policy in Appendix 2, subject to the addition of paragraph 46 as set out in the additional information, is adopted when it is presented to Full Council on 22nd May 2025.
- iii) Delegate authority to the Team Manager – Environmental Protection and Licensing to address any minor typographical and/or cross-referencing issues in the Statement of Licensing Policy prior to referral to Full Council.

The Lead Officer (Licensing) explained that the Council had completed a 12-week public consultation on the review of the Statement of Licensing Policy, which it is obliged to do at least every five years.

He stated that the Statement of Licensing Policy explains how the Licensing Authority will exercise its licensing functions under the Licensing Act 2003 and that central to the Licensing Policy Statement is the promotion of the four key licensing objectives:

- The prevention of crime and disorder
- Public Safety
- The prevention of public nuisance
- The protection of children from harm

He informed the Committee that 43 responses were received through the consultation where respondents were asked whether they agreed or not with the consultation draft and were invited to make comment. He stated that 17 respondents stated they agreed with the draft; 14 stated they did not know/did not choose to state whether they agreed or not and 12 stated they disagreed.

The Chair referred to page 20 of the agenda pack and asked if Saltford Parish Council receive the same weekly email that Councillors do regarding new Licensing applications.

The Lead Officer (Licensing) replied that they do, but are not considered as a Responsible Authority and would therefore need to respond to the Notices displayed for an application, Newspaper advert, or by being informed by other members of the public / community.

The Chair suggested that by changing the delivery day of the email recipients would be able to see the upcoming week.

The Lead Officer (Licensing) replied that they could send the email on a Friday evening.

He then informed the committee that the Policy had not changed much from the current version and highlighted some of the additions.

- Ask For Angela (33.6) - The Licensing Authority is also working with the Police who are the lead for "Ask for Angela" - an initiative regarding promoting safety for those members of the public receiving unwanted attention from other persons using licensed establishments.
- VAWG (Violence Against Women and Girls) (31.12) - The Licensing Authority has been and will continue to work closely with the Police who lead on the prevention of Violence Against Women and Girls.
- Get Me Home Safely (32.9) - Bath & North East Somerset Councils Corporate Strategy has one clear purpose, to improve people's lives. In November 2023 a motion titled "Safe Travel Home For Night Economy Workers" was passed at full Council. This motion called on the Licensing Authority to include

additional criteria when considering late opening applications from licensed premises, such as encouraging venues to provide free transport home for night shift employees and the Licensing Authority will therefore encourage venues to act accordingly.

- Drink Spiking (31.13) - To assist in the prevention of violence against women and girls the Licensing Authority takes the opportunity to draw attention to the following amendments to the section 182 Guidance: -

Paragraph 2.7 reads:

“The objective to crime under the Licensing Act 2003 would include taking measures to prevent incidents of spiking which would usually be prosecuted under section 23 and 24 of the Offences Against the Person Act 1861, and section 61 of the Sexual Offences Act 2003. The following examples are within the range of behaviours that would be considered spiking. This list is not exhaustive:

- A) Putting alcohol into someone’s drink without their knowledge or permission.
 - B) Putting prescription or illegal drugs into an alcoholic or non-alcoholic drink without their knowledge or permission.
 - C) Injecting another person with prescription or illegal drugs without their knowledge or permission.
 - D) Putting prescription or illegal drugs into another person's food without their knowledge permission.
 - E) Putting prescription or illegal drugs into another person's cigarette or vape without their knowledge or permission”.
- Women’s Night-Time Safety Charter (32.10) - Applicants will be directed to be made aware of and encouraged to consider joining the voluntary Women’s Night-Time Safety Charter.

Councillor Samantha Kelly stated that it was important that premises get the tools they need to be able to implement these new measures.

The Lead Officer (Licensing) replied that further information and posters etc. could be received from the Home Office.

Councillor Kelly asked why a Cumulative Impact Assessment did not form part of the Proposed Statement of Licensing Policy.

The Lead Officer (Licensing) replied that the Cumulative Impact Area (CIA) had lapsed in 2023 and should be reviewed every three years. He added that the Police need to provide evidence to the Council for them consider whether a CIA should be again put in place and said that this process was ongoing. He said that if this was deemed necessary a further consultation would take place.

He explained to the Committee that consideration was being given to reviewing the Statement of Licensing Policy every three years to align with the Cumulative Impact Assessment should it be reinstated.

The Chair asked if since the CIA had lapsed had any applications to the Council been received to which a CIA would have had material impact.

The Lead Officer (Licensing) replied that he could not think of any such applications that would have been affected.

Councillor Shaun Hughes stated that he would like to see a more proactive approach from the Council with regard to combating Drink Spiking and asked whether additional wording could be adopted in terms of enforcement, protection and prevention.

The Lead Officer (Licensing) replied that the Home Office is providing training on this matter and that officers will guide applicants and licensees to this. He added that if the Police have evidence that a premises has an issue with such incidents it could lead to a review of their licence.

Councillor Hughes said that he felt it should be compulsory for certain members of premises staff to be trained in this matter.

The Lead Officer (Licensing) replied that it was not compulsory through legislation. He added that the local BID (Business Improvement District) had also made their members aware of the information that could be obtained.

The Chair asked officers to consider whether additional wording could be added to the Proposed Statement of Licensing Policy to state that the Local Authority takes a serious view on any incidents related to Drink Spiking and encourages all premises staff / licensees to receive appropriate training.

The Lead Officer (Licensing) replied that officers would consider this proposal and consult with officers within Legal Services.

The Team Leader, Legal Services referred to sections 2.7 and 10.10 of the Statutory Guidance and reminded the Committee that any additional conditions on licences must be deemed appropriate and proportionate for a specific venue where there is evidence to justify such action.

Councillor Sarah Moore referred to section 20.3 of the Proposed Statement of Licensing Policy which states that 'The Licensing Authority expects licensed premises to have a robust Anti Drink Spiking policy setting out effective measures to identify and prevent incidents of spiking for the welfare of customers and staff, this policy to include staff training and an incident book or record to document incidences of spiking, and subsequent actions taken'.

The Chair acknowledged that the draft policy seems to be sufficient in relation to drink spiking and there was no need to make additions to the draft.

The Chair asked officers to consider whether Annex 1 (Map of the lapsed CIA) and Section 14 (Cumulative Impact Assessment) of the Proposed Statement of Licensing Policy should be removed as a CIA was not currently in place.

Councillor Samantha Kelly said that she felt it should remain for context as a whole.

Councillor Shaun Hughes referred to section 33.6 (Ask for Angela) and said that he had been concerned for several years that not enough premises were aware of this initiative.

The Lead Officer (Licensing) replied that the local BID had carried out training regarding this around two weeks ago and said that all licensees had been emailed about the training.

Councillor Hughes stated that he wanted the Council to be strong on this issue so that premises are aware that they need to have a procedure in place.

The Lead Officer (Licensing) replied that all new applicants / variations will have to detail how they are addressing these issues.

The Chair asked officers to consider whether additional wording could be added to the Proposed Statement of Licensing Policy to state that the Local Authority attaches a high degree of importance to the 'Ask for Angela' scheme and encourages all premises staff / licensees to receive appropriate training.

Following a motion from Councillor Toby Simon (Chair) and seconded by Councillor George Tomlin the Committee **RESOLVED** to:

- i) Note the responses to the public consultation exercise and to accept the officer recommendations in Appendix 1.
- ii) Recommend the revised Statement of Licensing Policy in Appendix 2, subject to the addition of paragraph 46 as set out in the additional information and consideration of their suggested amendments during debate is adopted when it is presented to Full Council on 22nd May 2025.
- iii) Delegate authority to the Team Manager – Environmental Protection and Licensing to address any minor typographical and/or cross-referencing issues in the Statement of Licensing Policy prior to referral to Full Council.

The meeting ended at 11.49 am

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services