

Bath & North East Somerset Council

MEETING	Climate Emergency and Sustainability Policy Development & Scrutiny Panel	
MEETING DATE:	22 July 2019	
TITLE:	Review of Statement of Licensing Policy Review of Cumulative Impact Assessment	
WARD:	All	
AN OPEN PUBLIC ITEM		
List of attachments to this report: None		

1 THE ISSUE

- 1.1 At the meeting on 13 November 2014, Full Council adopted a Statement of Licensing Policy which is required by Section 5 of the Licensing Act 2003 ('the Act'). In accordance with statutory guidance the Policy must be reviewed at least every 5 years. The Council is currently consulting on its revised policy statement and this report supports a presentation on the review of this policy, together with an updated accompanying Code of Best Practice.
- 1.2 Also at the meeting on 13 November 2014, the Council resolved to continue the policy of having a Cumulative Impact Area (now known as a Cumulative Impact Assessment- 'the CIA') in Bath City centre.
- 1.3 For efficacy reasons, the Council has chosen to carry out a review of the CIA at the same time as the review of the Statement of Licensing Policy. Based upon evidence from Avon and Somerset Police relating to incidents of crime and disorder and anti-social behaviour from 'on sales' premises in the last 5 years, there is a proposal to revise the boundary of the Cumulative Impact Assessment and comments are welcomed on this.
- 1.4 The public consultation for both of the above reviews is running concurrently between 21 June 2019 and 10 September 2019.

2 RECOMMENDATION

2.1 The Panel is asked to note the report and offer any comments regarding the revised Statement of Licensing Policy, Code of Best Practice and proposed revision to the Cumulative Impact Assessment which can be fed into the formal consultation.

3 THE REPORT

3.1 The Council is conducting reviews of the Statement of Licensing Policy and Cumulative Impact Assessment, consulting widely with stakeholders throughout B&NES. Consultation has included:

- An online consultation questionnaire via the B&NES Council website <https://www.bathnes.gov.uk/services/business/licences/licensing-more-information/licensing-consultations>
- An email to all Responsible Authorities, Councillors, Parish Councils, Town Councils, business and residents representatives and other interested parties providing a link to the proposed policy and revised Cumulative Impact Assessment area, requesting feedback and comments
- A letter to all Licensees (over 700) highlighting the consultation information and questionnaire and inviting them to respond
- Individual meetings with Resident's Associations and a briefing to Licencing Committee

3.2 Whilst the policy statement can be restrictive in terms of what can be included, this revision endeavours to be forward focussed and flexible to take account of developments and changes over the forthcoming 5 years, such as stressing the importance of the role of the Licensing Team in helping local businesses to thrive through the provision of pre-application advice which can help to promote a successful cultural diversity and local economy.

3.3 As part of this revision, the opportunity is being taken to review the evidence to support the continuation of Cumulative Impact Assessment which was introduced by the Council in 2007. Data collected from Avon and Somerset Police on the incidents of crime and disorder and antisocial behaviour since 2014 from 'on sales' premises is suggesting a revision to the boundary of the Cumulative Impact Assessment and comments are welcomed on this proposed revision. Further information can be found at <https://www.bathnes.gov.uk/services/your-council-and-democracy/consultations/licensing-act-2003-statement-licensing-policy-0>

4 STATUTORY CONSIDERATIONS

4.1 Section 5 of the Act requires a licensing authority to prepare and publish a statement of licensing policy every 5 years. Such a policy must be published before a licensing authority carries out any function in respect of individual applications made under the terms of the Act. During the intervening period, the policy must be kept under review and a licensing authority may make any revisions to it, as it considers appropriate.

- 4.2 The current Policy which has been in place since January 2015 now needs to be formally reviewed, adopted and published before January 2020. The current Policy will remain valid until that date or such time earlier when it is formally reviewed.
- 4.3 Before determining its policy for any 5 year period the licensing authority must consult the persons listed in Section 5(3) of the Act. These are:
- 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
- 4.4 The Government has issued Guidance (“the Guidance”), under s.182 of the Act, which states that the authority must have regard to it when making and publishing its policy.
- 4.5 All statements of policy should begin by stating the four licensing objectives, which the licensing policy should promote. In determining its policy, a licensing authority must have regard to this Guidance and give appropriate weight to the views of consultees.
- 4.6 Statements of policies should make clear that:
- Licensing is about regulating licensable activities on licensed premises by qualifying clubs and temporary events within the terms of the 2003 Act; and
 - Conditions attached to various authorisations will be focussed on matters which are within the control of individual licence holders and others with relevant authorisations i.e. the premises and its vicinity.
- 4.7 A statement of policy should also make 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 and, therefore, beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned. Nonetheless, it is a key aspect of such control and licensing law will always be part of a holistic approach to the management of the evening and night-time economy in town and city centre.
- 4.8 A statement of licensing policy should recognise that the Equality Act 2010 places a legal obligation on public authorities to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation; to advance equality of opportunity; and to foster good relations, between persons with different protected characteristics. The protected characteristics are age, disability, gender, transgender, pregnancy and maternity, marriage and civil partnership, race, religion, sexual orientation. The Council has also chosen to give consideration to those who are socio-economically disadvantaged and those living in rural communities.

4.9 A copy of the statutory guidance can be found at www.gov.uk/government/publications/section-182-of-the-licensing-act-2003-amended-guidance

5 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

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

5.2 All fees charged in respect of licensing will remain on a cost recovery basis.

6 RISK MANAGEMENT

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

7 CLIMATE CHANGE

7.1 Whilst the Statement of Licensing Policy is restrictive on content, there is an opportunity to convey the Council's expectations about what licensed premises can do with respect to the Climate Change emergency which has been declared. This could include steps around reducing food waste, plastic waste and achieving carbon neutrality.

8 OTHER OPTIONS CONSIDERED

8.1 None.

9 CONSULTATION

9.1 Consultation will be through circulation of this report in addition to the consultation already taking place within this review.

Contact person	<i>Cathryn Brown, 01225 477645</i>
Background papers	<i>Review of Statement of Licensing Policy consultation; Review of Cumulative Impact Assessment at https://www.bathnes.gov.uk/services/business/licences/licensing-more-information/licensing-consultations</i>
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