

BATH AND NORTH EAST SOMERSET

LICENSING COMMITTEE

Wednesday, 16th October, 2019

Present:- Councillors Manda Rigby (Chair), Sarah Bevan, Sue Craig, Sally Davis, Michael Evans, Liz Hardman (in place of Grant Johnson), Steve Hedges, Sarah Moore, Karen Warrington and Ryan Wills

Also in attendance: Cathryn Brown (Environmental Protection and Licensing Manager) and Shaine Lewis (Team Leader Resources - Legal Team)

Guests: Geoff Cannon (Avon and Somerset Police)

1 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer read out the procedure.

2 ELECTION OF VICE-CHAIR (IF DESIRED)

RESOLVED that a Vice-Chair was not required on this occasion.

3 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies were received from Councillors Grant Johnson and Mark Roper. Councillor Liz Hardman substituted for Councillor Johnson.

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 DEPUTATIONS, STATEMENTS, PETITIONS OR QUESTIONS

There were none.

7 MINUTES: 17 OCTOBER 2018

These were approved as a correct record and signed by the Chair.

8 LICENSING ACT 2003: REVIEW OF STATEMENT OF LICENSING POLICY AND REVIEW OF CUMULATIVE IMPACT ASSESSMENT

The Team Manager – Licensing and Environmental Protection presented the report. She introduced Geoff Cannon, Avon and Somerset Police Licensing Officer, who had worked with Council officers to assemble evidence relating to crime and disorder

incidents linked to licensed premises to inform the review of the Cumulative Impact Area.

She explained that the Committee was being invited to recommend to Council a revised Statement of Licensing Policy and revised boundaries for the Cumulative Impact Area. Under the Licensing Act 2003 every Licensing Authority is required to issue a Statement of Licensing Policy and to review it every five years; this was the third iteration of the Statement. The Cumulative Impact Policy, which had first been adopted in 2007 (being also referred to at that time as the Saturation Policy), was also being reviewed. This policy addresses problems arising from the large number of licensed premises in a small area of the City. An application for a new premises licence in the Cumulative Impact Area gives rise to the presumption that the application will be refused, unless the applicant can show that there will be no adverse impact on the licensing objectives. The proposal, based on a review of evidence about crime and disorder linked to licensed premises, was to reduce the size of the Cumulative Impact Area as shown in the map on agenda page 129. She drew attention to the responses received during the public consultation in Appendix 1. Twenty-four responses were received, which was actually ten more than the number received in the previous consultation.

In response to a question from a Member about climate change and the clean air zone the Team Manager – Licensing and Environmental Protection and the Principal Solicitor explained that conditions about climate change could not be standard conditions on premises licences, because the Licensing Act 2003 is very prescriptive about how and what the Licensing Authority can take into account when determining licensing applications and the kinds of condition that can be imposed on a licence. It is also a light-touch approach. The types of licence conditions are: mandatory conditions imposed by legislation, those imposed by the Licensing Authority following a hearing, those proposed by applicants and then incorporated by the Licensing Authority. It is not possible for the Council to have a standard set of conditions for all premises licences, because if no representations are made to an application, then the licence has to be granted as applied for. It is only when an application comes for determination to the Licensing Sub-Committee that the Licensing Authority can impose conditions, which must relate to the four licensing objectives and be appropriate, enforceable and proportionate.

A Member asked about the sale of alcohol to minors including proxy purchases. Mr Cannon replied that the statistics would not justify the inclusion of off-sale premises in the impact zone; alcohol consumed by children was not necessarily bought from licensed premises.

In response to a question from a Member the Principal Solicitor explained that the Council had a duty under GDPR just as individual licensees did. It would not be appropriate for the Council to include guidance on GDPR duties in its guide to applicants as the purpose of the statement of licensing policy is to guide them through the statutory application process.

A Member asked about CCTV. The Principal Solicitor explained that there are separate regulations and guidance from the Information Commissioner's Office about the use of CCTV cameras. Premises that have CCTV have to comply with the regulations; this is not a matter for the Council. Imposing the use of CCTV on licence

holders had been becoming standard practice in recent years across the UK and in 2014 the ICO issued updated guidance suggesting that information on individuals was being captured unnecessarily and disproportionately, and that licensing authorities should only impose conditions about CCTV if this was justified by evidence of crime and disorder.

The Chair suggested that Members should encourage the public to report incidents of crime and disorder and alcohol-related nuisance. This would increase the evidence on which policy making should be based, and could inform reviews of individual premises licences.

A Member asked about the Late Night Levy (paragraph 44 of the draft Statement, agenda page 115). The Team Manager –Licensing and Environmental Protection replied that there were no immediate plans to introduce this, though it was thought desirable to keep the option open.

After the discussion was concluded, the Committee unanimously **RESOLVED:**

1. to note the responses to the public consultation exercise and to accept the officer recommendations in Appendix 1;
2. to recommend the revised Statement of Licensing Policy and Cumulative Impact Assessment area provided in Appendix 2 are presented to Council in November 2019 with a recommendation that they are adopted.

The meeting ended at 10.40 am

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services