

BRISTOL CITY COUNCIL

Neighbourhoods Scrutiny Commission

22 September 2014

Report of: Di Robinson, Service Director - Neighbourhoods

Title: Review of Statement of Licensing Policy

Ward: City Wide

Officer Presenting Report: Nick Carter, Regulatory Services Manager

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RECOMMENDATION

To seek the Commission's view on how to take forward the review of the Council's statutory Statement of Licensing Policy following the demise of the Licensing Policy Scrutiny Board.

Summary

The Overview and Scrutiny Committee had previously appointed a Scrutiny Board (the Licensing Policy Scrutiny Board) to provide assistance to the Full Council in meeting its obligation to keep its Statement of Licensing Policy under review. The recent constitutional changes did not retain the Licensing Policy Scrutiny Board. The Licensing service falls within the remit of the Neighbourhoods Scrutiny Commission therefore the purpose of this report is to consider how the review of the Licensing Policy that featured in the LPSB's work programme for 2013/14 can now be taken forward.

The significant issues in the report are:

- Requirement to review the Statement of Licensing Policy Para 1.
- Background to Policy Para 4 – 7
- Proposal Para 8

Policy

1. The City Council, in its role as Licensing Authority must in respect of each five year period determine, publish and keep under review a Statement of Licensing Policy.

Consultation

2. Internal

Not applicable

3. External

Not applicable

Context

4. The Licensing Authority is under a duty to keep its policy under review and make such revisions as it considers appropriate during each five-year period. Where revisions are made the authority must publish a statement of the revisions or the revised licensing statement. Only the Full Council can make these decisions, no delegation of these tasks is permitted to committees or officers.
5. The Overview and Scrutiny Committee previously appointed a Scrutiny Board (the Licensing Policy Scrutiny Board) to provide practical assistance to the Full Council in meeting its obligation to keep its Statement of Licensing Policy under review. The existing policy was initially adopted for three years but could remain in place for five years until 6th January 2016 following recent legislative changes. The Scrutiny Board's work programme for 2013/14 set out a timetable to review the statement of Licensing Policy to take into account recent legislative changes introduced in the Police Reform and Social Responsibility Act 2012 and Live Music Act 2012.
6. A draft policy was considered by the Licensing Policy Scrutiny Board and presented to Full Council on 10 September 2013 to seek approval to commence the consultation process as set down in section 5(3) of the Licensing Act 2003.
7. Following a twelve week consultation a total of 29 responses were received which have been considered by officers resulting in some amendments to the draft policy. In accordance with previous Licensing Policy reviews the amended draft policy would have been presented to the Licensing Policy Scrutiny Board for consideration. Following any further changes the Scrutiny Board would present the final draft to Full Council for adoption.

Proposal

8. To seek the Commission's view on how to take forward the review of the Council's statutory Statement of Licensing Policy following the demise of the Licensing Policy Scrutiny Board. As the Licensing service sits within the brief of the Neighbourhoods Scrutiny Commission officers believe it is best placed to take on this role. The previous Scrutiny Board consisted of three elected Members, one from each of the main parties. It may be appropriate to consider the setting up of a sub group of the Neighbourhoods Scrutiny Commission to undertake this task. The majority of the work associated with the Licensing Policy review has already been undertaken by the former LPSB therefore it is anticipated that the final stage of this process could be covered in one meeting which would be tasked with approving the amended policy as a result of the consultation prior to submission to Full Council later in the year.

Other Options Considered

9. The Licensing Act does not permit the Council to delegate the setting of its statutory Licensing Policy to committee's or officers therefore the approach of using the Scrutiny Commission (or a sub group) to assist Full Council in this task is the most practicable approach.

Risk Assessment

10. The current policy is in need of review as a result of recent changes in legislation. The Licensing Authority is required to have an appropriate Licensing Policy in place in order to fulfil its obligations under the Licensing Act

Public Sector Equality Duties

11. Before making a decision, section 149 Equality Act 2010 requires that each decision-maker considers the need to promote equality for persons with the following "protected characteristics": age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation. Each decision-maker must, therefore, have due regard to the need to:
 - i) Eliminate discrimination, harassment, victimisation and any other conduct prohibited under the Equality Act 2010.
 - ii) Advance equality of opportunity between persons who share a relevant protected characteristic and those who do not share it. This involves having due regard, in particular, to the need to --

- remove or minimise disadvantage suffered by persons who share a relevant protected characteristic;
 - take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of people who do not share it (in relation to disabled people, this includes, in particular, steps to take account of disabled persons' disabilities);
 - encourage persons who share a protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
- iii) Foster good relations between persons who share a relevant protected characteristic and those who do not share it. This involves having due regard, in particular, to the need to –
- tackle prejudice; and
 - promote understanding.
- 12) The purpose of this report is to agree a way forward for this piece of work. A full Equality Impact Assessment has been undertaken as part of the process of reviewing the Licensing Policy.

Legal and Resource Implications

Legal

The report accurately sets out the Council's responsibilities with regard to the determination, publication and review of its Statement of Licensing Policy. The legislation does not permit the delegation of this task beyond Full Council. The Neighbourhoods Scrutiny Commission or a sub group would be well placed to help assist Full Council in this respect.

**(Legal advice provided by Shahzia Daya
Service Manager and Deputy Monitoring Officer: Legal Services)**

Financial

(a) Revenue

There are no immediate implications for Revenue budgets as a result of this report

(b) Capital

There are no immediate implications for Capital budgets as a result

of this report

(Financial advice provided by Rob Hamilton

Principal Accountant - Neighbourhoods Directorate)

Land

Not applicable

Personnel

No delegation is permitted to committees or officers of these tasks and only the Full Council can make these decisions. Therefore, there are no known HR implications related to this report.

**(Personnel advice provided by Sandra Farquharson, People
Business Partner, Neighbourhoods)**

Appendices:

None

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

Background Papers:

None