

BRISTOL CITY COUNCIL

Neighbourhoods Scrutiny Commission

16 April 2015

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

Contact Telephone Number: 0117 914 2511

RECOMMENDATION

(1) To note the content of the report and to ask the Scrutiny Commission to nominate a member to present the report recommending the adoption of a new Statement of Licensing Policy to Full Council on 21 July 2015 .

(2) To thank Cllrs Hance, Melias, Fodor and Shah for their assistance in considering the proposed Licensing Policy

Summary

At a meeting of the Scrutiny Commission on 22 September 2014 members agreed to set up a working party of Councillors to assist officers in the completion of the review of the Councils Statement of Licensing Policy. The work has now been completed and the final report is ready for submission to Full Council.

The significant issues in the report are:

- Requirement to review the Statement of Licensing Policy Para 1.
- Background to Policy Para 4 – 8
- Proposal Para 9

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. However as part of the Constitutional changes agreed by Full Council earlier last year the Licensing Policy Scrutiny Board ceased to exist.

8. At a meeting of this Scrutiny Commission on 22 September 2014 members considered a report that set out a proposal for how the review of the policy could be concluded following the demise of the Licensing Policy Scrutiny Board. The Commission agreed to appoint Cllrs Hance, Melias, Fodor and Shah to work with officers to conclude the policy prior to submitting the final policy to Full Council for adoption. That work has now been completed and the new Statement of Licensing Policy is ready for submission to Full Council.

Proposal

9. To ask the Scrutiny Commission to nominate a Member to present the report to Full Council on 21 July 2015 and to thank Cllrs Hance, Melias, Fodor and Shah for their assistance as part of the working group set up to consider the Licensing Policy.

Other Options Considered

10. 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

11. 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

12. 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 Pauline Powell
Team Leader – Planning, Transport and Regulatory Law
For Service Director – 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