

Licensing Committee

Agenda



Date: Thursday, 6 June 2024

Time: 10.00 am

Venue: Guangzhou room - City Hall, College Green,
Bristol, BS1 5TR

Distribution:

Councillors: Fabian Breckels (Chair), James Crawford, Richard Eddy, Emma Edwards, Paul Goggin, Fi Hance, Cam Hayward, Tim Kent, Susan Kollar, Louis Martin, Guy Poultney, Serena Ralston, Izzy Russell, Kirsty Tait and Stephen Williams

Copies to: Lynne Harvey (Legal Advisor), Norman Cornthwaite, Dakota Delahunty, Faria Jadoon, Abigail Holman (Licensing Policy Advisor) and Carl Knights (Licensing Policy Advisor)

Issued by: Norman Cornthwaite, Democratic Services

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Date: Wednesday, 29 May 2024



Agenda

1. Welcome, Introductions and Safety Information

(Pages 4 - 6)

2. Apologies for Absence.

3. Declarations of Interest

To note any declarations of interest from the Councillors. They are asked to indicate the relevant agenda item, the nature of the interest and in particular whether it is a **disclosable pecuniary interest**.

Please note that the Register of Interests is available at [Councillors' interests, gifts and hospitality - bristol.gov.uk](https://www.bristol.gov.uk/councillors-interests-gifts-and-hospitality)

Any declarations of interest made at the meeting which is not on the register of interests should be notified to the Monitoring Officer for inclusion.

4. Minutes of Previous Meeting

To agree the following minutes:-

(Pages 7 - 10)

5. Public Forum

Any member of the public or Councillor may participate in Public Forum. The detailed arrangements for so doing are set out in the Public Information Sheet at the back of this agenda. Public Forum items should be emailed to democratic.services@bristol.gov.uk and please note that the following deadlines will apply in relation to this meeting:-

Questions - Written questions must be received 3 clear working days prior to the meeting. For this meeting, this means that your question(s) must be received in this office at the latest by 5 pm on Friday 31st May 2024.

Petitions and Statements - Petitions and statements must be received 2 working days prior to the meeting. For this meeting this means that your submission must be received in this office at the latest by 12.00 noon on Tuesday 4th June



2024.

Members of the press and public who plan to attend a public meeting at City Hall are advised that you will be **required to sign in** when you arrive and you will be issued with a visitor pass which you will **need to display at all times**.

6. Annual Business Report.

Report of Service Director – Legal and Democratic Services.

(Pages 11 - 22)

7. Announcements from the Chair

8. Licensing Policy Statement

To follow.



Public Information Sheet

Inspection of Papers - Local Government (Access to Information) Act 1985

You can find papers for all our meetings on our website at www.bristol.gov.uk.

Public meetings including Full Council and Regulatory meetings (where planning and licensing decisions are made) are held at City Hall.

Attendance at Public meetings

Bristol City Council welcomes public attendance and participation at all of its formal committee meetings. When attending public meetings please behave with courtesy, tolerance and respect at all times to Councillors, Council Officers and other meeting participants. Attendees who cause disturbance may be asked to leave or, may be removed from the meeting.

If you're a member of the press or public and want to attend a public meeting at City Hall, you will need to **sign in** when you arrive. You will be issued with a visitor pass which you will **need to display at all times**.

Due to the maximum occupancy of the venue, you may be asked to watch the meeting on a screen in another room.

COVID-19 Safety Measures

Please do not attend a Council Meeting if you:

- are suffering from symptoms of COVID-19 or
- have tested positive for COVID-19

Other formats and languages and assistance for those with hearing impairment

You can get committee papers in other formats (e.g. large print, audio tape, braille etc) or in community languages by contacting the Democratic Services Officer. Please give as much notice as possible. We cannot guarantee re-formatting or translation of papers before the date of a particular meeting.

Committee rooms are fitted with induction loops to assist people with hearing impairment. If you require any assistance with this please speak to the Democratic Services Officer.

Public Forum



Members of the public may make a written statement, ask a question, or present a petition to most meetings. Please ensure that any submissions made are respectful, factual, and relevant.

- By contributing to the public forum process the participant acknowledges that any content submitted is at the authors own risk and the Council disclaims any obligation or responsibility for it.
- Questions, Statements and Petitions should be factually based and should not contain anything that could be construed as being defamatory, frivolous or offensive. Any submission including such information shall be redacted prior to publication without notice to the author.
- The Council reserves the right to reject any submission it deems defamatory, frivolous or offensive at its sole discretion.
- Sensitive personal information may be deleted or redacted
- Officer's names below Head of Service, will be replaced by the Officer's job title
- Company names may be deleted or redacted

Your statement or question will be sent to the Committee Members and will be published on the Council's website before the meeting. Please send it to democratic.services@bristol.gov.uk.

The following requirements apply:

- The statement is received no later than **12.00 noon two working days before the meeting** and is about a matter which is the responsibility of the committee concerned.
- The question is received no later than **5pm three clear working days before the meeting**.

Any statement submitted should be no longer than one side of A4 paper. For copyright reasons, we are unable to reproduce or publish newspaper or magazine articles that may be attached to statements.

By participating in public forum business, we will assume that you have consented to your name and the details of your submission being recorded and circulated to the Committee and published within the minutes. Your statement or question will also be made available to the public via publication on the Council's website and may be provided upon request in response to Freedom of Information Act requests in the future.

We will try to remove personal and identifiable information. However, because of time constraints we cannot guarantee this, and you may therefore wish to consider if your statement contains information that you would prefer not to be in the public domain. Other committee papers may be placed on the council's website and information within them may be searchable on the internet.



During the meeting:

- Public Forum is normally one of the first items on the agenda, although statements and petitions that relate to specific items on the agenda may be taken just before the item concerned.
- There will be no debate on statements or petitions.
- The Chair will call each submission in turn. When you are invited to speak, please make sure that your presentation focuses on the key issues that you would like Members to consider. This will have the greatest impact.
- Your time allocation may have to be strictly limited if there are a lot of submissions. **This may be as short as one minute.**
- If there are a large number of submissions on one matter a representative may be requested to speak on the groups behalf.
- If you do not attend or speak at the meeting at which your public forum submission is being taken your statement will be noted by Members.
- Under our security arrangements, please note that members of the public (and bags) may be searched. This may apply in the interests of helping to ensure a safe meeting environment for all attending.
- As part of the drive to reduce single-use plastics in council-owned buildings, please bring your own water bottle in order to fill up from the water dispenser.

For further information about procedure rules please refer to our Constitution

<https://www.bristol.gov.uk/how-council-decisions-are-made/constitution>

Webcasting/ Recording of meetings

Members of the public attending meetings or taking part in Public forum are advised that all Full Council, Cabinet, Development Control, and some other committee meetings are now filmed for live or subsequent broadcast via the council's [webcasting pages](#). The whole of the meeting is filmed (except where there are confidential or exempt items). If you ask a question or make a representation, then you are likely to be filmed and will be deemed to have given your consent to this. If you do not wish to be filmed you need to make yourself known to the webcasting staff. However, the Openness of Local Government Bodies Regulations 2014 now means that persons attending meetings may take photographs, film and audio record the proceedings and report on the meeting (Oral commentary is not permitted during the meeting as it would be disruptive). Members of the public should therefore be aware that they may be filmed by others attending and that is not within the council's control.

The privacy notice for Democratic Services can be viewed at www.bristol.gov.uk/about-our-website/privacy-and-processing-notice-for-resource-services



Full Licensing Committee, 10:00-11:30, Thursday 29 February 2024

Members: Cllr Amal Ali (Chair), Cllr Andrew Brown, Cllr Emma Edwards, Cllr Guy Poultney, Cllr Christine Townsend, Cllr Brenda Massey, Cllr Chris Windows, Cllr Fi Hance, Cllr Jonathan Hucker, Cllr Richard Eddy, and Cllr Chris Jackson.

BCC Officers: Taylor Meagher (Democratic Services), Abigail Holman (Licensing Policy Advisor), Lynne Harvey (Legal Advisor) Dakota Delahunty (Licensing Officer), Carly Heath (Night Time Economy Advisor), and Christopher Swinscoe (Neighbourhood Enforcement Team Leader).

1. Welcome and safety information

The Clerk welcomed everyone to the meeting and the Chair issued the safety information.

2. Apologies for absence

Apologies were received from Councillors Chris Davies, Phillipa Hulme, Katy Grant, and Hibaq Jama.

3. Declaration of interests

Councillor Poultney declared a potential interest related to the Pavements Licensing Policy. He has been actively talking to NightWatch as well as residents to solicit their opinions ahead of the item coming to Committee.

4. Minutes from the previous meeting

The minutes from the 25 January 2024 were deferred.

5. Public Forum

The Chair elected to move the public forum item to the start of item 7, Cumulative Impact Assessment Report.

All 26 public forum statements were noted by the Committee, with 5 statements being read out by members of the public in attendance.

RESOLVED: That the Committee note the Public Forum received.

6. Pavements Policy

Abigail Holman, Licensing Officer, provided an overview of the report. Highlighting the following;

- The existing policy was put in place after covid to support businesses to trade outside.
- This version of the policy is a revised draft seeking consultation.
- It is not a statutory requirement to have this policy.

Councillor Eddy put forward a motion to formally approve the draft report to go out for public consultation, this was seconded by Councillor Jackson.

RESOLVED: The Committee voted unanimously to approve the report.

7. Cumulative Impact Assessment (CIA) Report

Abigail Holman, Licensing Policy Advisor, provided an overview of the report. Highlighting the following;

- Following the report going to Committee on 25 January 2024, the item was deferred to allow officers to gather additional information and clarify details.
- Additional documents have been submitted by Avon and Somerset Police, as well as the Council's Environmental Health Team, Neighbourhood Enforcement Team, Public Health service, and Night Time Economy Advisor.
- The Environmental Health team were unable to attend this Committee but confirmed that they input into the consultation. They are of the view that there is insufficient evidence to continue supporting the CIA.
- The Business Improvement District also provided additional information regarding data on the work of their street pastors working between 22:00-04:00 in the city centre. Their data shows a decrease in support required over the past few years.
- Clarification was also given on the licensing application process. Regardless of the CIA policy being in place, all licensing applications received by the licensing authority must be granted if no representations (objections) are made. If a representation is made during the representation period, it must be linked to one of the four licensing objectives. If a relevant representation is made and not withdrawn, the application will come before a Licensing Sub-Committee for determination. At this point, the CIA Policy can be applied, whereby there is a rebuttable presumption for refusal of the application, unless the applicant can provide evidence of their licensed premises not adding to the CIA.

Responsible Authorities in attendance that submitted information to the Committee and were asked to provide comments on their representations. The key points were as follows;

- The Police had provided additional statistics for this meeting to support retention of the CIA Policy and considered there was sufficient evidence to support its retention. They are undertaking their own internal review of night time policing operations in approximately 6 months, and the CIA Policy and its impacts will be considered within this. If there were more venues in the centre open late at night, this would require additional police resources.
- Bristol City Council's Neighbourhood Enforcement Team were not able to support the CIA Policy because from their statistics there had been a decrease in complaints of noise from licensed premises compared to several years ago. If removed, there would be no impact on team resources or priorities.
- Bristol City Council's Night Time Economy Advisor is neutral on whether the policy remains in place or not, given that their role is to act as a conduit between the Council and Bristol's nighttime economy, working with partners on city wide campaigns, charters, and policies. This work will continue regardless.

The Committee asked clarifying questions to officers in attendance and the key points were as follows;

- Anyone can raise a representation related to the CIA, including Police, residents, local businesses etc. even in the absence of a special policy
- Following comments that the Policy is not always followed, the Police confirmed that it allows them a level of negotiation regarding opening/closing times, and sales of alcohol.

- The economic development of the city is not currently one of the four licensing objectives, but the Council's Statement of Licensing Policy refers to Bristol as being a major regional entertainment centre and the importance of the nighttime economy is recognised
- When considering evidence, the Enforcement Team can only consider complaints related to specific licensed venues, and not general street noise. There has been a decrease in complaints over the last few years.
- There have been two reviews of premises within the CIA following complaints by members of the public. Both premises had additional conditions placed on their license.
- Complaints or concerns can be made by anyone to the licensing authority or enforcement team. There is a multi-agency partnership between the Councils Enforcement Team, Environmental Health Team, Avon and Somerset Police, and more. They review complaints and agree the appropriate party to visit the premises.
- A variety of teams handle public nuisance, as this can range from general street noise to venues removing waste, loading areas, street waste etc. There is no specific officer who can advise on all of this, the CIA covers licensed premises only.
- The Enforcement Team confirmed that over the last 7 years their staffing resource has varied, with the highest staff number during Covid of 21 officers, and now down to 14.
- If the CIA Policy is removed, Members of Licensing sub-hearings can still consider the cumulative impact of an additional establishment, they just wouldn't start from a point of refusal.
- The Night Time Economy Advisor stated that diversifying types of venues; what they deliver, who their target audience is etc., will improve the general life and economy in the city centre. For example, family-oriented, alcohol-free etc.
- A CIA policy can be departed from if the establishment is encouraging a variety of entertainment that currently does not exist in the area or is more family friendly. The burden of proving that an exception to policy can be made without undermining it lies with the individual applicant.
- Where there is an injury or death as part of the night time economy, the Enforcement Team could only act if it's related to a specific licensed venue. This would not include water deaths. There are many messages and campaigns related to water safety.

The Committee moved to a debate between Members, and the following points were made;

- Thanks were given to officers in providing additional information in for the Committee to make a decision, as well as members of the public who submitted Public Forum.
- Public Forum has clearly evidenced the impact badly managed premises can make on peoples lives
- Removing the policy would have a negative impact on local residents who have stated their lives will be blighted if the policy were to be removed
- It would be unfair to make such a fundamental change by removing the policy particularly as the Police, the experts in crime and disorder, consider it needs to remain
- The additional evidence from the Police and residents cannot be ignored, there seems to be extensive data from the Police to support their view.
- Officers have confirmed there will be no reduction in resources if we remove the policy, so we should remove it and come back in 12 months with a new consultation to measure the impact. This could also enable us to deliver an effect, tiered CIA Policy.

- Some Members felt that removing the Policy for a year to review the impact before potentially putting something new in place, would be putting people at risk and causing more nuisance to residents.
- We need to look at the cumulative impact for the city centre, not just individual premises.
- There are many things the Council and partners can do to promote the night time economy and safety of the public, not just adding more venues. E.g. CCTV, lighting, signage.
- As the Police are doing an independent review of their entire force in 6 months' time, this could impact on Members decisions related to the CIA Policy, so the Committee should review that report when available.
- Given the Council is changing its governance in May 2024, and there will be a new administration, we should vote to retain or remove and let the new Licensing Committee decide to review and implement a new Policy if they see fit.
- The results of the public consultation are very clear and should be considered.
- We should do everything we can to support the hospitality sector and not put too many obstacles in front of businesses. If the market is saturated with alcohol-led venues, we should be promoting diverse establishments that offer variety.

MOTION: Councillor Poultney put forward a motion to vote on retaining the current CIA Policy, and suggested that officers begin the process of collecting an evidence base for the future Licensing Committee to keep it under review. This motion was seconded by Councillor Eddy and the vote was as follows:

For retaining the CIA policy: 7

Against retaining the CIA policy: 4

Abstain: 0

RESOLVED: That the CIA Policy remain in place with a recommendation that officers to begin the process of collecting an evidence base for the future Licensing Committee to review.

**Annual Licensing Committee
Thursday 6th June 2024
10.00 am**



Report of: Service Director – Legal & Democratic Services.

Title: Annual Business Report 2024/25

Ward: All

Officer Presenting Report: Democratic Services

Recommendation

See Recommendations as set out in each paragraph.

Summary

To agree the Annual Business for Municipal Year 2024/25.



A. Membership of Committee.

To note the following members were appointed at Annual Full Council AGM at its meeting on Tuesday 21 May 2024 to serve on the Licensing Committee for 2024/25 Municipal Year with the Chair and Vice-Chair elected at Full Council AGM as indicated:

1. Cllr Fabian Breckels (appointed as Chair)
2. Cllr James Crawford
3. Cllr Richard Eddy
4. Cllr Emma Edwards
5. Cllr Paul Goggin
6. Cllr Fi Hance
7. Cllr Cam Hayward
8. Cllr Tim Kent
9. Cllr Susan Kollar
10. Cllr Louis Martin
11. Cllr Guy Poultney (appointed as Vice Chair)
12. Cllr Serena Ralston
13. Cllr Izzy Russell
14. Cllr Kirsty Tait
15. Cllr Stephen William

B. Confirmation of Chair – Municipal Year 2024/25

- **To note the appointment of Councillor Fabian Breckels as Chair of for 2024/25 Municipal Year.**

C. Confirmation of Vice - Chair – Municipal Year 2024/25

- **To note the appointment of Councillor Guy Poultney as Vice - Chair of the Committee for the 2024/25 Municipal Year.**

D. Terms of Reference.

- **As set out in Appendices A & B.**

E. Dates and Times of Meetings.

- **To note that meetings of the Licensing Committee as required and its Sub Committees will be held weekly or biweekly depending on demand throughout the forthcoming municipal year, all scheduled for a 10.00 am start.**

F. Establishment of Special Purposes-Sub Committee.

- **In accordance with Licensing committee Procedure Rule (LCR) 1(iii) the annual meeting needs to establish a special purposes sub-committee comprising the Chair of the Licensing**

committee, its Vice chair and one other committee member. Its terms of reference must enable it to deal with any matters of business which would ordinarily be referred to the next ordinary meeting of the committee but which are, in the opinion of the Licensing Team Leader (in consultation with the Chair) of such urgency that they cannot await the date of the next ordinary meeting.

Recommended.

- **That the Licensing Committee establish a Licensing (Special Purposes) Sub-Committee with the terms of reference set out in Appendix B;**
- **that the membership of the special purposes sub-committee comprise the Chair, the Vice Chair and one other member;**
- **that the committee appoint from amongst its number, one other member to serve on the sub-Committee.**

G. Establishment of other Sub-Committees.

LCR1(iv) requires that the annual meeting establish any other sub committees considered necessary and in respect of each of them

- (a) agree the membership;
- (b) agree the terms of reference.

In accordance with the Licensing Act 2003 sub committees may be established but they must comprise no more and no less than three members each.

At its meeting on 9 February 2005 the Licensing Committee established Licensing (Hearings) sub committees comprising any three members of the Licensing committee. That meeting appointed each member of the Licensing Committee to serve on any such sub-committee (of three) which is convened so as to include him/her in its membership.

It is recommended that this year the Licensing committee continue with this approach.

The recommended terms of reference are set out in Appendix B.

Recommended

- (a) **that the Licensing committee establish Licensing (Hearings) sub committees comprising any three members of the Licensing committee and that each member of the licensing committee be appointed to serve on any such sub-committee which is convened so as to include him or her in its membership; and**
- (b) **that each of the sub committees so established shall have the terms of reference as set out in Appendix A**

H. Delegations to Sub-Committees and Officers.

Section 10 of the Licensing Act 2003 allows the Licensing committee to arrange for the discharge of any functions exercised by it –

- a) by a sub-committee established by it, or
- b) subject to certain statutory limitations, by an officer of the licensing authority

Section 10 of the Licensing Act 2003 also applies to certain Gambling Act 2005 functions that fall within this Committee's terms of reference, that is, those gambling functions that are referred to in paragraph 3 of the Committee's terms of reference.

In previous years the Committee conferred delegated power on each of the sub committees it established to discharge all functions falling within their terms of reference (which for the avoidance of doubt includes all matters ancillary thereto). It is recommended the annual meeting do the same in respect of any sub committees it decides to establish having considered this report.

The functions referred to in paragraphs 2 and 4 of the committee's terms of reference are governed by different law as far as the ability to delegate the decision making process is concerned. Those matters are delegated to the Committee by the full council in exercise of its powers of delegation under section 101 of the Local Government Act 1972. Under that section the Committee itself enjoys the power to delegate those matters to one or more of its sub committees and/or to an officer of the council.

It is anticipated that some applications made under the paragraph 2 and 4 functions may prompt the right to be heard. Therefore, whilst it is anticipated that most decisions connected with the discharge of these functions will fall to be made by a delegated officer, provision has been made in the recommended Terms of Reference of the hearings sub committees for applications to be referred to such a sub-committee by a delegated officer. This particular provision also enables applications under the Licensing or Gambling Act to be decided by a sub-committee notwithstanding the law does not absolutely require this (e.g. because there are no representations). Whilst it is not expected this will often be utilised it does enable matters to be given a public airing where that is judged to be reasonable and appropriate.

Officer delegations.

In accordance with LCR1 the annual meeting should review the delegations to officers. The Committee's responsibilities have greatly expanded since its first annual meeting and this report recommends comprehensive delegations to sub committees and officers covering the vast majority of the Committee's responsibilities whilst continuing to ensure that:

- i. Officers are not authorised to make any decision which by law may only be made by Members meeting as a Committee or duly authorized sub-committee; and
- ii. The delegations reflect the policy of Bristol City Council with regard to the decision whether certain representations are to be disregarded by virtue of being judged to be frivolous or vexatious.

Licensing Act 2003 and Gambling Act 2005

In the discharge of its licensing functions the committee must have regard to the guidance issued by the Secretary of State or the Gambling Commission (as appropriate) and to the Council's own adopted statements of policy. The recommendations in such national guidance reflect the fact that there are many decisions which the law simply does not allow an officer to take. For example an officer cannot determine an application for a premises licence under either Act where relevant representations have been made.

The Council's published statements of licensing policy recommend that the Licensing Committee follow the delegations recommended in national guidance but that, for the reasons set out in the Council's policy statements, the committee should depart from that guidance in respect of decisions about whether or not representations are frivolous or vexatious.

In previous years the committee has effected its delegations in accordance with the Council's adopted statement of licensing policy and it is recommended that this practice should continue for Gambling Act functions as well as for the Licensing Act functions. This is covered in recommendation 1 below.

In respect of the functions referred to in paragraphs 2 and 4 of the Committee's Terms of Reference the Committee will know that the full council has itself effected delegations to the relevant Director in Part 3 of its constitution. The Committee is informed that the relevant Directors have, in line with what is recommended in that constitution, made arrangements under which appropriate subordinate officers assist them in the discharge of these tasks on behalf of the Council as a whole. It is recommended that the Committee note and approve these arrangements.

It is therefore recommended that:

In respect of the functions referred to in paragraphs 1 and 3 of its Terms of Reference the Committee makes the following arrangements: subject to the limitations set out in (a) and (b) below officers occupying the following posts:-

**Regulatory and City Events Manager
Licensing Team Leader
Senior Licensing Officer
Licensing Officer
Trading Standards Team Leader
Senior Trading Standards
Officer
Trading Standards Officer
Trading Standards Investigator**

Senior Environmental Health Officer (Public Health Services)

Environmental Health Officer (Public Health Services)

Principal/Team Leader/Lead Environmental Health Officer (Public Health Services) to include Lead Officers in each of the following specialisms:

Food Safety

Pollution Control and Pest Control

Port Health

Health and Safety

Food Safety and Infectious Disease control

Assistant Environmental Health Officer (Public Health Services)

Senior Pollution Control Officer

Pollution Control Officer

Public Health Services Manager

Neighbourhood Enforcement and Street

Scene Manager

Neighbourhood Enforcement Team Leader

Neighbourhood Enforcement Senior Officer

Neighbourhood Enforcement Officer

are authorised to discharge any function which in law may be discharged by an officer of the licensing authority.

Limitations

(a) The power to decide whether representations are frivolous or vexatious may only be made in respect of applications that officers would be empowered to proceed to determine themselves should it be decided that the representation under consideration is either frivolous or vexatious.

(b) An Officer may not decide whether to grant or refuse an application under the Licensing Act 2003 for a personal license in any case where there are unspent convictions.

- In respect of the functions referred to in paragraphs 2 (a) and (b), 4(a) – (f) and 4(g) to (i) inclusive of the Committee's Terms of Reference the committee notes the arrangements made by the full council and the delegated Director under which his subordinate officers assist him in discharging functions on behalf of the Council. The Committee approves the continuation of such arrangements as if they had been made directly and particularly by this committee
- For the avoidance of doubt the Service Director - Legal Services and officers within his team who assist him in this task shall continue to be authorised to institute and defend legal proceedings of any kind falling within this Committee's terms of reference.
- The possession of delegated powers shall not prevent a delegated officer bringing a matter before an appropriate body of Members but this should only be done following consultation with the Chair of the Licensing committee.

Authorisations in respect of Major Events taking place at Ashton Court 2024/2025

A number of major events take place at Ashton Court each year. These include the Balloon Fiesta and major festivals. This is in the jurisdictional district of North Somerset. One of the key entry points is via Kennel Lodge Road. This road and the surrounding network are in the jurisdictional area of Bristol City Council.

Historically, each year there are a number of relatively minor enforcement problems associated with the event within the Bristol City boundary such as illegal street trading and on one occasion the illegal sale of alcohol from a van.

Whilst Bristol City Council do have an enforcement presence throughout the event, to increase regulatory capacity and deployment, over recent years officers from North Somerset have been authorised by Bristol City Council to act on its behalf for the duration of the event.

At this point in time it is not known which officers will be deployed by North Somerset Council for these events. Therefore for the purpose of the authorization, these will be determined in accordance with the provisions of S.113 of the Local Government Act 1972 enabling staff from one authority to be placed at the disposal of another is in place for this purpose.

Authorisations in respect of other Licensing functions such as Street Trading fall outside the scope of the Licensing Committee but will be secured if and when necessary. Officers request that this authorization is in place for the next year.

RECOMMENDED:

- 1. That all sub committees established by the Licensing Committee shall have delegated authority to discharge all functions falling within their terms of reference;**
- 2. That the Committee approves delegations to officers as recommended in paragraph H of this report (including North Somerset Officers); and**
- 3. That for the avoidance of doubt any authority conferred upon a sub committee or an officer in connection with the discharge of any function includes the power to do anything which is calculated to facilitate, or is conducive or incidental to, the discharge of the function concerned.**

Public Sector Equality Duties

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.

Legal and Resource Implications

Legal

Not applicable

Financial

(a) Revenue

Not applicable

(b) Capital

Not applicable

Land

Not applicable

Personnel

Not applicable

Appendices:

Appendix A – Terms of Reference - Licensing Committee.

Appendix B – Terms of Reference – Licensing Sub-Committees.

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

Background Papers: None

Terms of Reference – Licensing Committee.**Appendix A****Overview**

Functions relating to licensing and gambling as set out below.

Licensing Act 2003 (“the 2003 Act”)

1. All those matters relating to the discharge of licensing functions that are referred to the committee by virtue of section 7(1) of the 2003 Act;
2. Other functions which full Council has arranged for the Licensing Committee to discharge, namely:
 - a) Power to grant permission for provision etc of services, amenities, recreation and refreshment facilities on the highway and related powers (sections 115E, 115F & 115K of the Highways Act 1980);
 - b) Power to make an order identifying a place as a designated public place for the purposes of police powers in relation to alcohol consumption (section 13(2) of the Criminal Justice and Police Act 2001 (c.16));
 - c) Power to make or revoke an order designating a locality as an alcohol disorder zone (Section 16 Violent Crime Reduction Act 2006);
 - d) The Council’s functions under the third schedule to the Local Government (Miscellaneous Provisions) Act 1982 (as amended); and
 - e) Powers to make and cancel closure notices; make applications for closure orders; issue certificates of termination of closure orders; defend applications for the discharge of closure orders; appeal against the refusal to make closure orders; enforce closure orders; and prosecute for obstruction of authorised officers or for offences in connection with closure orders (sections 19 to 28) of the Criminal Justice and Police Act 2001);

Gambling Act 2005 (“the 2005 Act”)

3. All of those functions under Part 8 of the 2005 Act that are delegated to the Committee by virtue of section 154 of the 2005 Act;
4. Other gambling functions which the full Council has arranged for the Licensing Committee to discharge, namely:
 - a) Duty to comply with requirements to provide information to the Gambling Commission (s.29 of the 2005 Act);
 - b) Functions relating to exchange of information (s.30 of the 2005 Act);
 - c) Functions relating to occasional use notices (s.39 of the 2005 Act);
 - d) Power to designate officer of a licensing authority as an Authorised Person for a purpose relating to premises (section 304 of the 2005 Act);
 - e) Power to make order disapplying section 279 or 282(1) of the Act in relation to specified

premises (s. 284 of the 2005 Act);

- f) Power to exchange information (section 350 of the 2005 Act);
- g) Power to institute criminal proceedings (section 346 of the 2005 Act);
- h) Functions relating to the determination of fees for premises licences (the Gambling (Premises Licence Fees) (England and Wales) Regulations 2007 (S.I. 2007/479));
- i) Functions relating to the registration and regulation of small society lotteries (Part 5 of Sch 11 to the 2005 Act);

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5. Functions relating to pavement licences (sections 1 to 7 of the 2020 Act).

Code of Conduct

The Constitution contains a supplement to the members' code of conduct which deals with the role of elected members in relation to licensing committee hearings (see part 5 of the constitution).

Appendix B

TERMS OF REFERENCE - Licensing (Hearings) Sub-Committees

Any three members of the Licensing committee may constitute a Licensing (Hearings) Sub-Committee having the following terms of reference:

To discharge the following functions:-
Under the Licensing Act 2003:

1. Determination of application for premises licence where representations have been made;
2. Determination of application for provisional statement where presentations have been made;
3. Determination of application for variation of premises licence where representations have been made;
4. Determination of application to vary designated premises supervisor following police objections;
5. Determination of application for transfer of premises licence following police objections;
6. Consideration of police objection made to interim authority notice;
7. Determination of application for club premises certificate where representations have been made;
8. Determination of application to vary club premises certificate where representations have been made;
9. Decision to give counter-notice following police objection to temporary event notice;
10. Determination of application for grant of personal licence following police objections;
11. Determination of application for renewal of personal licence following police objections;

12. Revocation of personal licence where convictions come to light after grant etc;
13. Determination of application for review of premises licence in a case where relevant representations (within the meaning of Section 52 (7) of the Act) have been made;
14. Determination of application for review of club premises certificate in a case where relevant representations (within the meaning of Section 88 (7)) have been made;