

Bristol City Council
Minutes of the Licensing Committee

16 June 2022 at 10.00 am



Members Present:-

Councillors: Marley Bennett (Chair), Sarah Classick, Christine Townsend (Vice-Chair), Chris Davies, Richard Eddy, Emma Edwards, Katy Grant, Jonathan Hucker, Philippa Hulme, Brenda Massey, Steve Pearce, Guy Poultney, and Chris Windows

Officers in Attendance:-

Carly Heath (Night Time Economy Adviser), Lynne Harvey (Legal Adviser), Abigail Holman (Licensing Policy Advisor), Jonathan Martin (Trading Standards and Private Housing Manager) and Jeremy Livitt (Democratic Services)

1. Welcome, Introductions and Safety Information

The Chair welcomed all parties to the meeting.

2. Apologies for Absence.

Apologies for absence were received from Councillors Chris Davies, Paul Goggin and Fi Hance.

3. Declarations of Interest

There were no Declarations of Interest.

4. Minutes of Previous Meeting held on Monday 23rd August 2021.

RESOLVED – that the minutes of the meeting held on Monday 23rd August 2021 be confirmed as a correct record and signed by the Chair.

5. Public Forum

There was no Public Forum for this meeting.



6. Annual Business Report

The Committee considered the Annual Business Report.

Membership, Chair and Vice-Chair

Members noted the membership of the Committee and that Councillor Marley Bennett had been elected as Chair and Councillor Christine Townsend as Vice-Chair for 2022/23 Municipal Year.

Terms of Reference and Meetings

The Committee also noted the Terms of Reference for the Committee and arrangements to meet as required throughout the 2022/23 Municipal Year.

Establishment of a Special Purposes Sub-Committee

The Committee then discussed the establishment of a Special Purposes Sub-Committee for 2022/23 with the Chair, Vice-Chair and one other Councillor to be appointed to it.

Following discussion, it was

RESOLVED - that a Special Purposes Sub-Committee is established to meet as required with the Chair, Vice-Chair and Councillor Eddy appointed to sit on it.

Establishment of other Sub-Committees

The Committee discussed arrangements for establishing a Sub-Committee to discuss applications through hearings throughout the 2022/23 Municipal Year. Following a brief discussion, it was

RESOLVED –

- (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 of the report**

Delegations to Sub-Committees and Officers

The Committee discussed arrangements for delegations to officers. In addition to the delegations listed, the Trading Standards and Licensing Manager referred to the Ashton Court Balloon Fiesta.



Members noted that for all events held at this venue (including the fiesta), North Somerset Council officers needed to be given the authority to act at the venue by Bristol City Council including on Bristol City Council land if required.

It was also noted that all officers attending the Balloon Fiesta would be individually named in accordance with the delegation scheme. The Committee were advised that the number of events held at Ashton Court was likely to increase before the next Annual General Meeting.

In responding to members' questions, the Trading Standards and Licensing Manager advised that delegations needed to be made each year.

The Committee then

RESOLVED –

- (i) 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 Services Manager

Licensing & Trading Standards Manager

Licensing Team Leader

Senior Licensing Officer

Licensing Officer

Trading Standards Team Leader

Senior Trading Standards Officer

Trading Standards Officer

Annual Licensing Committee

Trading Standards Investigator

Senior Environmental Health Officer (Regulatory Services)

Environmental Health Officer (Regulatory Services)

Principal/Team Leader/Lead Environmental Health Officer (Regulatory 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 (Regulatory Services)

Senior Pollution Control Officer

Pollution Control Officer

Public Health Services Manager

Neighbourhood Enforcement and Street Scene Manager



**Team Leader Neighbourhood Enforcement
Senior Neighbourhood Enforcement 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 Bristol International Balloon Fiesta 2022.

- (i) that all sub committees established by the Licensing Committee shall have delegated authority to discharge all functions falling within their Terms of Reference;
- (ii) that the Committee approves delegations to officers as recommended in paragraph H of this report (including North Somerset Officers) including on Bristol City Council land; and
- (iii) 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.



7. Night Time Economy - Verbal Update by Carly Heath (Night Time Economy Adviser)

Carly Heath, Night Time Economy Adviser, gave a verbal presentation on the Night Time Economy in Bristol and made the following points:

- During the last 6 months there had been patchy data on finance in relation to the night time Economy. However, the information received showed that for the period 6pm to 6am there had been £45.5 Billion received in BS1 mainly relating to restaurants and clubs, bars and entertainment. This was a very successful figure in view of the recovery from COVID and the cost of living crisis

Drink Spiking

- There had been a big increase in recorded spiking cases – from 39 in 2019 to nearly 200 in the last two years alone
- Bristol City Council was working in partnership with Avon and Somerset Police as part of a City centre Bid to tackle this issue
- There were 150 clubs in a Drink Spike scheme who had been provided with Testing Kits provided by the Police which were helping to identify perpetrators close to the time any offence was committed. In these instances, Police were able to come to a venue immediately and take action
- Devon and Cornwall were the only other places in the country which were operating a scheme like Bristol City Council
- There had been early successes with 15 arrests being made over the last 6 months, with the first policy having been made within 4 days of policy strategy following the monitoring of a man trying to get girls to taste drinks and who had ketamine on him. Whilst prior to the introduction of this scheme there had been very few prosecutions (none from over 500 cases), it was hoped that this scheme would significantly change that

Carly Heath and other Licensing officers then replied to members' questions as follows:

- It was acknowledged that there was a problem with people who smoked being asked to leave premises to do so and being required to leave their drinks behind in the process. This increased the risk of spiking. In some situations, Police advice was that drinks should not be taken outside and there was a need to balance risk. However, Bristol City Council staff were working collaboratively with clubs and bars to minimise this risk if it was possible to do so
- In relation to concerns that the Crown Prosecution Service needed to take this problem more seriously, the Committee noted the variety of different reasons why spiking occurred including those who thought it was funny, for malicious reasons as well as for sexual predation. They also noted the growing problem of needle pricking. The Home Office were considering this issue and the possibility of making spiking itself a criminal offence rather than it being recorded as poisoning (along with a separate offence of sexual assault if that is involved)



- It was important that the police developed a standard approach on this issue as practice frequently varied across the country
- It was noted that a greater focus on needle pricking was required as well as provision of more testing kits at the Accident and Emergency Service in the NHS
- Whilst the scheme was operating under the City Centre Bid, all organisations were being involved in this work. There was involvement with Universities in local bars. Whilst previously, very few people had come forward to report such incidents, there had been a significant increase in October and November 2021, although numbers were not starting to drop. It was not yet clear whether the introduction of the new scheme was having a significant effect
- It was not clear to what extent organised crime was involved, including abductions of individuals. Avon and Somerset Police would be able to confirm this. It was noted that there could be greater engagement on this between Councillors, Parliament and the Crown Prosecution Service.
- The Police could also provide evidence as to whether or not there was evidence of a displacement of offences to areas outside the City Centre as evidence grew of success in the City Centre **ACTION: Carly Heath to contact Avon and Somerset Police and provide an update to members on this issue**
- It was noted that these offences were now jointly listed as sexual offences, robbery and/or poisoning as required and not dealt with separately
- In addressing concerns that a family of conditions needed to be established which would be applied on a case by case basis, it was noted that a model of conditions already existed relating to existing legislation and needed to be considered by each Sub-Committee in determining each case
- It was not realistic to make a requirement for all establishments to have a testing kit since these were still not always available. The need for a shared approach was emphasised
- Needle Spiking – Very limited action was currently taking place in relation to this, such as blood or urine tests. It was noted that once a puncture wound was made on the skin, an individual could pass out after 20 minutes and could remain unconscious for up to 8 hours with the effects lasting up to 6 months. This appeared to be a growing problem starting in Liverpool, Nottingham and Berlin and now spreading to other cities
- The cost of kits was very reasonable at £3 each
- There was no evidence of venues refusing to sign up. There was increasing awareness from venues to the problem and the need to demonstrate they were tackling the problem through their policy, as well as people seeing posters put up by the Night economy team on this issue
- Work was taking place to ensure people knew where to seek help if they were victims of these crimes and for bouncers to show a more sympathetic approach
- There was a need to address concerns about the capacity of an overstretched NHS to tackle this problem through partnership working. The use of the term poisoned to describe the offence instead of spiking (which had negative connotations for some people), was important
- Training of Door Staff – this was important. The Women’s Safety Charter was being improved, particularly in instances where door staff were not regular but agency staff



- Women' Safety Charter – this was a tool kit for business to improve their policies in this area including anti-harassment training for workers. This also operated as an online guided course and adopted a 360 degrees approach with all parties involved

8. Date of Next Meeting

It was noted that the next meeting was scheduled for 10am on Thursday 28th July 2022.

The meeting ended at 10.55 am

CHAIR _____

