

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.