

## Licensing & Appeals Committee – 3 August 2020

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Minutes of the meeting of the **Licensing & Appeals Committee** held on **3 August 2020** when there were present:-

Chairman: Cllr Mrs J R Gooding  
Vice-Chairman: Cllr Mrs L Shaw

Cllr M R Carter  
Cllr D S Efde  
Cllr B T Hazlewood  
Cllr N J Hookway  
Cllr M Hoy

Cllr M J Lucas-Gill  
Cllr Mrs C M Mason  
Cllr D Merrick  
Cllr P J Shaw  
Cllr Mrs C A Weston

### **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Cllrs C C Cannell, Mrs J E McPherson and M G Wilkinson.

### **OFFICERS PRESENT**

S Greener - Principal Licensing Officer  
S Worthington - Principal Democratic and Corporate Services Officer  
C Brook - Licensing Officer  
L Morris - Civic Officer

### **118 MINUTES**

The Minutes of the Licensing & Appeals Committee held on 1 July 2020 and of the Licensing & Appeals Sub-Committee held on 6 July 2020 were approved as correct records and would be signed by the Chairman in due course.

### **119 ADOPTION OF NEW PAVEMENT PERMIT LICENSING POLICY**

The Committee considered the report of the Assistant Director, People & Communities proposing a revised pavement permit licensing policy to enable the Council to grant new pavement licences under the provisions of the Business & Planning Act 2020.

In response to Member questions the following points were noted:-

- Only 6 premises currently had annual pavement licences. 3 of these had already contacted the Council to cancel these licences and had indicated they would reapply under the new process.
- It was likely that these premises would cancel existing licences and reapply as this option was cheaper than the current pavement licence.
- These applications only applied to those areas that were on the public highway, not for a premises' own land and would be considered on an individual, site-specific basis.
- Paragraphs 26 and 27 in Appendix B to the report which referred to

markets were the same wording applied as standard conditions on existing pavement licences and which accorded with planning conditions. This requirement would only apply to premises applying for a new licence under the new legislation. Premises which had studs on the ground outside would fall outside this licensing process. On days when there was a market in a high street, premises in that vicinity would be required to remove any tables and chairs while the market was operating.

Cllr M Hoy moved an amendment to recommendation 1 of the report, seconded by Cllr M R Carter, that there be no fee for a pavement licence for the duration of this new legislation. In favour of the Motion Members observed that hospitality businesses were struggling as a result of the pandemic and although central government had provided assistance to other businesses it would be laudable for this Council to be able to show its support of such local hospitality businesses by removing the fee. As a result of the need for social distancing restrictions, indoor seating capacity for businesses was greatly reduced; in addition, the hospitality sector had been struggling before the pandemic. Speaking against the Motion Members commented that waiving the fee could result in a proliferation of tables and chairs appearing on the public highway. The point was also made that many local businesses had received £10,000 government grants during Covid-19. The amendment to the Motion was agreed with 10 voting in favour of the amendment and 2 against.

In response to further questions from Members the following points were noted:-

- Appendix C to the report detailed conditions that were to be imposed on pavement licences by central government in respect of national standards. This included a need to provide barriers to separate furniture so that visually impaired could navigate around the furniture without providing an obstacle to the public highway for, eg, the mobility impaired or pushchairs. Barriers could be of different varieties, including planters or material screens but should be able to be removed at the end of each day while also being robust enough to not pose a hazard by being, blown over during certain kinds of weather. Officers would work with Planning, Community Safety and Parish/Town Councils to ensure that such barriers would not prove hazardous for highway users.
- Before the issue of any licences applicants would be required to provide details of barriers to be used, including materials, etc, and the Council's licensing officers would have enforcement powers to ensure that conditions applied to any new licences were adhered to.
- The policy would allow for any future changes of use, including for example, high street closures, and officers would work closely with all partners, including Police, Environmental Health, Planning and Highways to achieve that.
- The Licensing Team had been working closely with the Economic Development and 'We are Back' teams and had already received a number of enquiries from businesses. This would also be publicised using the Council's usual social media channels and via Pubwatch.

## Licensing & Appeals Committee – 3 August 2020

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- It was difficult to predict how many businesses might apply for a new licence but 8 businesses had already indicated that they wanted to apply once the application process was in place.

The following minor amendments to the policy were noted:-

Paragraph 3.5 – ‘This furniture is required to be removable, which means it is not a permanent fixed structure, and can be easily stored away .’

Paragraph 6.14 – reference to ‘licensing’.

Paragraph 7 on page 6.25, insert ‘against’ after ‘claim’.

Paragraph 8.2 – replace ‘licences’ with ‘licence’ and ‘12 months’ with ‘30 September 2021’.

Paragraph 17 on page 6.26 – ‘Where the consumption of alcohol is to take place, only the use of plastic or toughened glass is to be permitted.’

On a requisition pursuant to Council Procedure Rule 17.4 a recorded vote was taken on a Motion that the revised fee for a pavement licence be set at £0, as follows:-

For (10) Cllrs M R Carter; D S Efde; Mrs J R Gooding; N J Hookway; M Hoy; M J Lucas-Gill; Mrs C M Mason; D Merrick; Mrs L Shaw; P J Shaw

Against (2) Cllrs B T Hazlewood; Mrs C A Weston  
Abstain (0)

The Motion was declared carried and it was:

### **Resolved**

(1) That the revised fee for a pavement licence be set at £0.

On a requisition pursuant to Council Procedure Rule 17.4 a recorded vote was taken on a Motion to approve the Pavement Permit Licensing Policy July 2020 – September 2021, as follows:-

For (11) Cllrs M R Carter; D S Efde; Mrs J R Gooding; N J Hookway; M Hoy; M J Lucas-Gill; Mrs C M Mason; D Merrick; Mrs L Shaw; P J Shaw; Mrs C A Weston

Against (1) Cllr B T Hazlewood

Abstain (0)

## Licensing & Appeals Committee – 3 August 2020

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The Motion was declared carried and it was:

### **Resolved**

- (2) That the Pavement Permit Licensing Policy July 2020 – September 2021 (Appendix A) be approved. (ADPC)

The meeting commenced at 2.30 pm and closed at 3.28 pm.

Chairman .....

Date .....

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