

MINUTES OF MEETING REGULATORY COMMITTEE HELD ON FRIDAY, 31ST JULY, 2020, 10.00 - 11.15 AM

PRESENT:

Councillors: Gina Adamou (Vice-Chair), John Bevan, Mike Hakata, Luke Cawley-Harrison, Peter Mitchell, Reg Rice, Viv Ross, Yvonne Say and Sarah Williams (Chair)

ALSO ATTENDING:

7. FILMING AT MEETINGS

The Chair informed the Committee that the meeting would be live streamed on the Council's website.

8. APOLOGIES FOR ABSENCE

There were no apologies for absence.

9. URGENT BUSINESS

None.

10. DECLARATIONS OF INTEREST

None.

11. BUSINESS AND PLANNING ACT 2020 - PAVEMENT LICENCE CONDITIONS AND FEES AS PART OF THE COVID 19 RECOVERY MEASURES

Daliah Barrett introduced the report as set out. The Business and Planning Act 2020 came into force on 22 July 2020 and introduced a number of urgent measures to help businesses operate in the pandemic. The measures introduced were temporary until 30 September 2021, unless extended by the Government. Part of the Act introduced a new 'Pavement Licence' regime to be administered by Local Authorities and was designed to make it easier for premises which served food and drink to seat and serve customers outdoors. Pavement licences could be granted subject to such conditions as the Council considered reasonable to impose. It was important to note that if the Council chose not to impose conditions, the Pavement Licences would still be granted, which would make enforcement difficult and leave the Council having to justify its reasons repeatedly when taking any enforcement action.

Ms Barrett responded to questions and comments by the Committee:

- Under the national conditions made by the Government, premises must maintain a clear route of access along the highway.
- Patrons would not be able to stand outside premises to drink, it would be seating areas only.
- Premises would need to clearly mark out a smoking area outside of premises, however Public Health information to Councils states that Councils could make their own determinations in relation to smoking and could make the area outside the premises non-smoking.
- There would be no additional budget provided for the enforcement of these licences. The set fee of £100 per licence would lead to the Licensing Service operating at a loss (from the Street Trading budget). Under the old regime, the fees for a pavement licence were set according to the amount of space available to a premises and this would exceed £100 for some premises, therefore the set fee would mean that some premises would not need to pay as much as they would have in the past.

Following a discussion and subsequent vote on smoking areas, the Committee requested that a condition be added that smoking areas would not be permitted outside the premises.

The Committee also requested that a condition be added (or existing condition be amended) to state that cooking of food should not take place outside of the premises.

The Committee RESOLVED to

- i. Agree the pavement licence conditions as outlined in Appendix A which will be the Council’s published standard conditions.
- ii. Note that the Licensing Authority can set further conditions as required on a case by case basis.
- iii. Agree the application fee of £100.
- iv. Note that the length of the grant of the licence cannot go beyond 30th September 2021 unless extended by the Secretary of State but there may be reasons to determine a shorter period on a case by case basis.

12. DATES OF FUTURE MEETINGS

5 October 2020

CHAIR: Councillor Sarah Williams

Signed by Chair

Date