

EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of Licensing and Enforcement Committee held at on 27 July 2020 via Zoom app

Attendance list at end of document

The meeting started at 9.30 am and ended at 10.45 am

34 Public Speaking

There were no members of the public who wished to speak.

35 Minutes of the previous meeting

The minutes of the meeting held on 12 February 2020, were agreed as a true record.

36 Declarations of interest

There were no declarations of interest.

37 Matters of urgency

There were no matters of urgency.

38 Confidential/exempt item(s)

There were no confidential/exempt items.

39 Pavement Licences- Business and Planning Act 2020

Members received the report of Henry Gordon Lennox, Strategic Lead – Governance & Licensing which informed the Licensing and Enforcement Committee of the changes to the issuing of pavement licences that have been brought in as part of Business and Planning Act 2020 as part of the Government's economic recovery and growth agenda in response to the COVID-19 Pandemic. The Act passes the responsibility of consulting and issuing pavement licences on the public highway to District Councils in England requiring a decision within a very tight timeframe (14 days from application to decision). The Council needed to put in place authority for dealing with these applications.

During discussions the following points were noted:

- What happens when an objection is received within the 14 day period for objections to an application? The Council had 7 days to consult and 7 days to consider these licence.
- What can we control outside of the designated area? Can we condition that any alcohol supplied can only be consumed in the designated area? It was noted that we do have the ability to review a licence and revoke it if required.
- Does the outside furniture from a premises have to be removed from the pavement every evening? This requirement was contained within the licence conditions.
- Are ward member consulted on applications and informed of grants? Yes they would be.

- How far away from the establishment could a licence be granted for? Tables and chairs used must be in connection with the premises
- Will the joint ownership of land between EDDC and DCC at The Strand be clarified? There was clarity over what land EDDC owned.
- Monitoring of Pavement Licences would be carried out by the Licensing and Street Scene services teams. The enforcement side would be dealt with by the Licensing service.
- Is there a requirement for the applicant to prepare a plan? Yes they were required to prepare a plan of the area they required to be licensed.
- The use of reusable and shatterproof plastics should be encouraged and promoted. Licensees should be asked to make a commitment to use reusable containers.
- The licence would require the provision of a litter bin and collection of litter but there should be a requirement added to include reference to cleaning and if necessary degreasing the pavement.
- Do we have any idea of how many licences will be issued? Going on recent DCC's experience there could be a large number.
- How would interaction between long standing events on The Strand, Exmouth and the grant of Pavement Licences in this area work? Consultation would be needed with Street Scene to assist with this.

RESOLVED

1. that the content of the report, in particular the process that District Councils will have to adopt in issuing pavement licences to businesses within the District, which is 14 days (10 working days) to include the statutory consultation period and the granting or rejection of the licence application, be noted.
2. that the application process that East Devon will follow to determine these applications including the consultations that will take place and the local conditions (Appendix 1) that will be imposed on any grant, be agreed.
3. that delegated authority be given to the Strategic Lead (Governance and Licensing) to determine pavement licence applications under the Business and Planning Act 2020 together with imposing such additional conditions as may be deemed necessary as well as to take enforcement action including revocation of licences where considered appropriate to do so.
4. that the Council will charge the maximum fee of £100 for the consideration of each application for a licence, be agreed.
5. that the recruitment of a Grade 5 post on a fixed term (6 month) basis to support the administration of this new service, be agreed.
6. that authority be given to the Strategic Lead (Governance and Licensing) in consultation with the Chair of the Licensing and Enforcement Committee and Portfolio Holder for Coast, County and Environment to make any necessary amendments to the process and local conditions which arise out of administration of the regime, including the points made above particularly those on reusable containers and pavement cleaning.

40 **Verbal update on relaxation of licensing regime under Business & Planning Act 2020**

Members received the verbal report of Henry Gordon Lennox – Strategic Lead – Governance & Licensing updating members on the relaxation of the licensing regime under the Business & Planning Act 2020. The relaxation was so licensees with on-sales licences could also have off-sales.

The legislation permitted the responsible authorities to request an interim review of the licensing authority of those premises within 48 hours and to hold a full review in 28 days. This had the potential to cause considerable further work for the Licensing & Enforcement Sub Committee. However, it was pointed out that most off sales were made through supermarkets or off licences.

Attendance List

Councillors present:

J Whibley (Chairman)
K Bloxham (Vice-Chairman)
F Caygill
M Chapman
A Dent
N Hookway
S Jackson
P Jarvis
G Pratt
B Taylor
T Wright
L Jeffery
T Woodward

Councillors also present (for some or all the meeting)

P Arnott
P Faithfull
G Jung
T McCollum
P Millar

Officers in attendance:

Christopher Lane, Democratic Services Officer
Henry Gordon Lennox, Strategic Lead Governance and Licensing
Susan Howl, Democratic Services Manager
Sarah Jenkins, Democratic Services Officer
Giles Salter, Solicitor
Anita Williams, Principal Solicitor (and Deputy Monitoring Officer)

Councillor apologies:

S Gazzard

Chairman

Date: