
EXTRAORDINARY GENERAL LICENSING COMMITTEE

MINUTES of the Extraordinary Meeting held Virtually Via Skype on Monday, 3 August 2020 from 4.00pm - 4.30pm.

PRESENT: Councillors Cameron Beart, Derek Carnell (Chairman), Roger Clark, Richard Darby, Mark Ellen, Simon Fowle, Lee McCall, Paul Stephen, Eddie Thomas and Tony Winckless (Vice-Chairman).

OFFICERS PRESENT: Sarah Beasley, Della Fackrell, Robin Harris, Chris Hills, Kellie MacKenzie and Jo Millard.

ALSO IN ATTENDANCE: Councillors Steve Davey, Tim Gibson, Carole Jackson, Elliott Jayes and Denise Knights.

32 INTRODUCTION

The Chairman explained that the meeting would be conducted in accordance with the Local Authorities and Police and Crime Panel (Coronavirus) (Flexibility of Local Authority Police and Crime Panel Meetings) (England and Wales) Regulations 2020 No. 392.

The Chairman welcomed all Members, officers and members of the public to the meeting.

33 DECLARATIONS OF INTEREST

No interests were declared.

34 PUBLIC SESSION

There were no requests from the public to speak at this meeting.

35 IMPLICATIONS OF THE BUSINESS AND PLANNING ACT 2020

The Resilience and Licensing Manager introduced the report which set-out details and implications of the Business and Planning Act 2020 which proposed to make it easier for premises serving food and drink such as bars, restaurants, cafes and pubs to seat and serve customers outdoors through temporary changes to planning procedures and alcohol licensing. She explained that measures included in the Act modified provisions in the Licensing Act 2003 to provide automatic extensions to the terms of on-sales alcohol licences to allow for off-sales.

The Resilience and Licensing Manager stated that the proposal was a temporary measure to boost the economy, with provisions lasting until 30 September 2021. She explained that the default hours in which off-sales would be permitted would be up-to 11pm, or until the current on-sales licensing hours for the premises ended, whichever was earliest. The provisions would also apply to temporary conditions to licences where there was a pre-existing permission for off-sales. The conditions would set the hours of off-sales to match those for on sales, allow off-sales of

alcohol in open containers and allow deliveries of alcohol to residential or work buildings. The conditions would suspend existing conditions that were more restrictive.

The Act also introduced a new, temporary, fast-track process for businesses to obtain permission, in the form of a “pavement licence”, from Swale Borough Council for the placement of furniture such as tables and chairs on the pavement outside their premises which would enable them to maximise their capacity, whilst adhering to social distancing guidelines. The pavement licence would also only be valid until 30 September 2021.

The Resilience and Licensing Manager reported that the new temporary measures placed a cap on the application fee at £100 for businesses, and introduced a new 14-day determination period, ensuring that businesses could obtain licences in a timely and cost-effective manner aiding their financial recovery. She explained that there were enforcement powers contained in the Act to enable the Local Authority to attach conditions, to allow licences that breached conditions to be revoked, or if the highway was no longer suitable and these were set-out at Appendix I of the report. The Resilience and Licensing Manager drew attention to Appendix II of the report which set-out the process for dealing with an application.

Members were invited to ask questions. A summary of the questions and responses are outlined below:

- Referred to condition (4) of Appendix I of the report, and asked how some premises would find sufficient space as some pavements were not 1.2 metres wide? The Licensing Officer understood the concerns of the Member; however the condition was a national one that the Council was bound by. She advised that the main aim of the condition was to ensure adequate distancing was provided to allow disabled access;
- would the “pavement licence” conditions be applied dependent on each application, so condition (3) would only be imposed if appropriate? The Licensing Officer explained that condition (3) was already imposed by Kent County Council (KCC) at some premises so this would need to be taken into account;
- could condition (18) include wording to ensure the use of waste bins? The Licensing Officer stated that this could be included;
- when would the licences be reviewed? The Licensing Officer explained that licences had to be advertised on the Council’s website and that if Members wished ward councillors could also be consulted;
- how would the Council enforce the conditions? The Licensing Officer stated that they would engage with the licensee and could review licences if the conditions were not being complied with as they were currently;
- concerned that more applications would be refused than approved given the restrictions in conditions (3) and (4); The Resilience and Licensing Manager

stated that disability was a key element of the Act and each application would be considered on a case-by-case basis and consulted on, including KCC;

- how many applications were anticipated? The Licensing Officer reported that one application had been received so far, and the uptake for Swale was low with only 16 table and chairs licences already granted by KCC, but they did not know how many would be received;
- would there be provision for extra Police to prevent Anti-Social Behaviour with the introduction of the Act and could the Council request this? The Licensing Officer explained that they had not liaised with the Police but it was unlikely they would be able to resource anymore police officers than they currently were;
- would the “pavement licence” conditions be dependent on the risk assessment of each venue, as they seemed excessive? The Licensing Officer explained that they had thought they were standard conditions, but they could be considered on a case-by-case basis if Members preferred. The national condition was about accessibility and measuring the edge of the highway. She stressed the importance for the Council to ensure conditions were published as there was a risk that if applications were not determined within the statutory timescale they would be deemed as approved;
- There were a number of seated areas already in Faversham High Street would be interested to see how the coloured surfaces would be set-up? The Resilience and Licensing Manager stated that condition (3) could be removed. It was agreed that condition (3) should be removed;
- had received some concerns from members of the public about how the blind would access the High Street, were officers sure it would work? The Licensing Officer explained that as it was an Act of Parliament the Council had no choice but to ensure the necessary provisions and conditions were available and workable for all;
- how would it work when the High Streets were open to traffic? The Licensing Officer stated that it would depend what was being applied for but officers would need to take that into consideration; and
- could information be added to Appendix II that Parish Councils and Ward Members be notified of applications and conditions? The Licensing Officer agreed to add this but reminded the Member that it was a short 7-day public consultation.

The Chairman thanked the Resilience and Licensing Manager and the Licensing Officer for the report.

Resolved:

(i) That the Pavement Licence conditions and application process and fee as outlined in Appendix I and II and as minuted be agreed.

(ii) To give temporary delegated authority to the Resilience and Licensing Manager until 30 September 2021 to consider applications made under the Business and Planning Act 2020 against the criteria set out in the report and appendices and to grant or refuse licences or take any action permitted under that Act, including but not limited to, attaching such conditions as may be required to bring the application into conformity with the criteria.

Chairman

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All Minutes are draft until agreed at the next meeting of the Committee/Panel