

## MINUTES

### LICENSING AND HEALTH AND SAFETY ENFORCEMENT COMMITTEE

4 AUGUST 2020

**Councillors:** Mrs Bassadone  
Bhinder (Vice-  
Chairman)  
P Hearn (Chairman)  
Imarni  
Johnson  
Link  
Peter  
Rogers  
R Sutton

**Officers:** Nathan March                      Licensing Team Leader  
Katie Mogan                              Corporate and Democratic Support Lead  
Officer

The meeting began at 6.30 pm

**1                      MINUTES**

The minutes of the meetings held on 21 July 2020 were agreed.

**2                      APOLOGIES FOR ABSENCE**

Apologies for absence were received on behalf of Councillor Allen.

**3                      DECLARATIONS OF INTEREST**

There were no declarations of interest.

**4                      PUBLIC PARTICIPATION**

There was no public participation.

**5                      PAVEMENT LICENCES AND LICENSING FOR PUBS AND RESTAURANTS**

N March introduced the report to members. The Business and Planning Act 2020 has recently been brought in to help the economy following the previous lockdown. The changes are temporary, remaining in place until 30th September 2021  
There are two significant changes brought in for businesses as a result:

- The change in approach to outdoor furniture provision for relevant businesses (as defined in the Act) to enable them to increase their trading space 'pavement licences'.
- Relaxation of off sales of alcohol for licensed premises

### **Pavement licensing requirements**

- 'Pavement Licences' are to be issued by District Councils
- Any business selling and/or serving food or drink may apply for a pavement licence to have tables and chairs and other street furniture such as patio heaters placed on the highway adjacent to their premises for the benefit of their customers – if the land is not a highway and is privately owned land
- Separate consent of the landowner is required.
- Licences will be considered granted unless the Council rejects them within a set statutory period.
- The Council has 14 days to determine an application, with half of that forming a public consultation, and the other half being the time permitted for the consultations received to be considered and a decision made.
- A maximum fee of £100 can be charged for applications.
- Licences can last for a maximum of the full period that the legislation will have effect i.e. 30th September 2021, with the shortest duration being no less than three months.

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 Conditions can be attached (two must be attached), these are shown in appendix 1 (starting page 8 of report), we have used the HCC existing conditions, but reduced the level of insurance required from £10m to £5m as £10m was considered excessive by our legal team.

### **Licensing Act 2003 relaxation to off-sales of alcohol**

#### **This aspect of the report is for information only.**

All premises with on-licences will automatically be permitted to sell alcohol to be taken away as if they have a licence permitting off-sales, and any restrictive conditions normally in place have ceased to have effect.

In simple terms, this means that any premises that is open for on sales is now able to sell alcohol to customers to take and consume where they wish, and the council has no power to prevent this in the first instance.

This can be changed by way of a special review and hearing, if problems arise.

#### **Recommendations**

1. Agree that fees will be set at the maximum permitted level of £100 in order to recover as much of the cost of issuing licences as possible.
2. Agree the attached conditions.

3. Agree that the duration of licences will be to 30th September 2021, unless revoked.

4. Delegate responsibility for granting, refusal and revocation of licences, including amending conditions, to the Assistant Director – Corporate and Contracted Services and the Group Manager, Legal and Corporate Services.

Councillor Rogers asked if the team had any idea how many premises might apply for this licence. He also asked how the team would be able to control adjacent businesses who may both apply for a licence and want to use the same space outside to set up tables and chairs.

N March said the act came into effect a couple of weeks ago and it was expected to be a cabinet function but this was changed at the last minute which is why this committee has had to be arranged. The proposed conditions and the application form was put onto the website in advance and thought the team would see an influx of interested businesses but haven't had any to date. It may take some time for the word to spread and information has been put in the weekly business magazine. In terms of the space outside businesses, he is aware from a colleague at another council that two neighbouring businesses have applied for a licence between them to share the outside space. Businesses have to provide a plan as part of the application as to where their seating would be placed.

Councillor Bassadone referred to the businesses in Leverstock Green who already have tables and chairs outside and asked if they would have to reapply or if they are already covered under an existing licence.

N March said they would already have a licence with Herts County Council. If they haven't, it is the responsibility of HCC to take enforcement action. HCC have matched their fees in line with ours.

Councillor Peter said if a business applies for a licence but finds it is not viable, are they able to request a refund. He also asked if there was anything in the legislation to deal with litter which is already a serious problem in the borough.

N March said there is a proposed condition that requires the pavement to be left neat and tidy at the end of the day and there are existing powers within environmental health and a CPN can be issued if the problem doesn't improve. In relation to the money paid for the licence, the fee is unlikely to cover the cost of the work involved in processing the licences and it is an upfront cost and therefore non-refundable. N March didn't believe that £100 was a huge investment for businesses.

Councillor Peter said he would like to see a stronger stance in the licence about litter.

N March said that the current proposed condition could be amended to make it stronger and this report, if approved, will allow officers to amend conditions. The team also provide a cover letter with the licence so it could again be highlighted on here that they must not litter. The licence can be revoked if it becomes a significant problem.

Councillor Bhinder said he was supportive of Councillor Peter's comments on litter. He asked if businesses had to supply a risk assessment.

N March said the businesses must comply with the conditions and would expect them to have their own risk assessments anyway. They must also ensure that they comply with the government guidance on Covid-19.

Councillor Johnson asked if the team had any indication from HCC that they have had issues in the past with enforcement  
N March said he hadn't been made aware of any significant issues.

Councillor Hearn asked the committee if they were happy to set the fee at £100.  
The committee agreed.

Councillor Hearn asked if fire hydrants were include in the conditions, then could defibrillators be included as well. She also raised the issue of patio heaters and that they could not be placed on or over the highway.  
N March said he could include defibrillators. Patio heaters don't have to be in there but the risks associated with their size and power source increases their risk. He said these conditions could be kept under review if that was something the committee wanted.  
The committee agreed to keep the conditions under review.

**Outcome:**

The recommendations were agreed, with the amendments to the proposed conditions to prevent the obstruction of any defibrillators, and to ensure that licensed pavements are regularly cleared of potential litter. Therefore the relevant conditions to be amended as follows:

- You must regularly clear the area of any potential litter, and leave the pavement in a neat and tidy condition at the end of each day.
- You must not obstruct access to any fire hydrant or defibrillator in the area.

The Meeting ended at 7.00 pm