

Licensing Committee

Monday, 14 September 2020

7.30 pm

Present:

Cllr Steve Thompson (Chair)
Cllr Jenny Wallace (Vice-Chair)

Councillors: Derek Ashenden
 Helen Ashenden
 Gurdip Ram Bungar
 Brian Francis
 Baljit Hayre
 Leslie Hoskins
 Lyn Milner
 Leslie Pearton
 Tony Rana
 Denise Tiran
 Frank Wardle
 Jordan Meade

Mark Lees Regulatory Services Manager
Dave Herrington Digital Manager
Lauren Wallis Committee Services Officer (minutes)

1. Apologies for absence

An apology for absence was received from Cllr Emma Elliott and Cllr Jordan Meade attended as her substitute.

2. To sign the minutes of the previous meeting

The minutes of the meeting held on 5 November 2019 were signed by the Chair.

3. To declare any interests members may have in the items contained on this agenda. When declaring an interest a member must state what their interest is.

No declarations of interest were made.

4. Licensing Support during the Covid-19 Pandemic

The Regulatory Services Manager gave an update on how the Council had supported licence holders during the pandemic and how compliance had been and would be monitored. The following points from the report were highlighted:

- Soon after lockdown the Institute of Licensing published the first version of its Protocol for Licence Applications and Hearing under the Licensing Act 2003 During the Covid-19 Pandemic and the report set out the intentions of this document.

- Despite the challenges of lockdown and the constant stream of change and uncertainty, the Licensing Team had adapted quickly in order to continue to operate the Council's licensing functions within the existing statutory timescales.
- Staff had had to work from home and had been issued laptops with full access to all relevant systems. Because staff had not been present in the office, all incoming calls had been taken and managed by Customer Services as far as possible, including signposting to relevant parts of the GBC website, with messages being emailed to Licensing officers to respond accordingly.
- Arrangements were made for post to be collected, scanned and then processed remotely.
- Taxi and private hire vehicles were emailed temporary exemptions from displaying current plates/badges and drivers were asked to continue to display their old plates/badges alongside the temporary exemption and asked to keep the letter with them at all times.

It was noted that given the efforts made by the team, Gravesham's licence holders were highly unlikely to have observed any reduction in licensing service provided by the Council during lockdown.

The team had also pushed ahead with the digital offering with the expert help of the Digital Team. Online forms, developed over the years, had been consolidated into an improved online service which included payment facilities, online application forms for licences, notices and other functions such as the ability to change personal details. This had become an invaluable tool for officers and clients who were able to access these services from home during lockdown. Members noted that the number of applications for licences had not reduced during lockdown and statutory timescales had been met throughout.

Partnership working was also highlighted including the work undertaken by the Council's Environmental Services Commercial Team after routine food hygiene inspections were halted by the Food Standards Agency (FSA) during lockdown. The Licensing Team had also worked closely with the Police, Trading Standards and other teams in the Council to ensure continuity of service and support for businesses in Gravesham during the pandemic. All businesses in the Borough had been contacted via email by the Team in advance of re-opening which had worked very well.

The Regulatory Services Manager also gave details of the next steps for the team following the easing of lockdown which included:

- Issuing full licences to those currently issued with a temporary licence or missing the accompanying badge or plate.
- Managing the collection of deferred fees.
- Processing any outstanding licence renewal requirements.
- Whilst visits currently continued to be mainly reactive and intelligence led, targeted and joined-up monitoring was and will continue to be undertaken where the need arises.
- The high level of service provision would continue to be provided by the team and in addition, the continuation of investigating new and innovative ways to improve the service.

On behalf of the Committee, the Chair thanked the Regulatory Services Manager and the Licensing Team for all their hard work in a rapidly changing landscape. The Committee echoed the Chair's sentiments during which the Digital Team and the Committee Section

were also thanked for all their efforts in the enhancement of the digital offering and the smooth management of the remote meetings of the Council. In addition, the meetings of the Licensing Panels were mentioned including the professionalism of the Team and advice and impartiality which could sometimes be a difficult line to walk.

The Chair of the Overview & Scrutiny Committee requested that he be kept abreast of any developments and detail in relation to Licensing.

The Chair advised that he had attended a meeting of the Licensed Victuallers' Association and the main concern that had been expressed was the wish to see a level playing field and he was asked what to do with regard to premises not abiding by Covid-19 rules. The officer advised that Members and others should contact the Commercial Team at commercialhealth.admin@gravesham.gov.uk as the Team would respond with advice and connect with partners and other agencies with regard to enforcement.

The following points were raised during discussion on this item:

- Following a question of the adverse impact of the Council on the potential reduction in licensing fee income, Members were advised that it was a little premature to know the full extent of any impacts. However, since the beginning of April six premises had surrendered their licences and there were approximately 300 premises and 30 clubs in the Borough so overall this was a low, although very regrettable, percentage loss. It was noted that the statutory fee set by Government was, on average, £180 per annum per premises so the loss to the Council had not been substantial.
- A question was raised on the timescales pre and post Covid-19 with regard to processing temporary event notice and other licences and the Committee was informed that the processing timescales had not changed before, during or following lockdown. The new digital processes meant Temporary Event Notices were responded to instantly and other response and processing timelines continued to be met.
- It was noted that some pubs and (social) clubs continued to allow customers to stand shoulder to shoulder. The officer reiterated that inspections were being undertaken primarily in response to intelligence passed to the Commercial Team (commercialhealth.admin@gravesham.gov.uk) as this was a Health & Safety issue. Food hygiene inspections had resumed during which premises were checked for Covid-19 safety. Members were assured that, whilst it was not possible to monitor premises on a day to day basis, officers were quick to react and to work with partners should issues arise.
- Following a question from the Chair, the officer confirmed that no extra funding had been received from the Government that he was aware of to assist with the additional work for Regulatory Service, within which the Licensing Team sit, arising from the Covid-19 pandemic.
- Members were advised that the team had recently returned to office working on a rota basis to enable social distancing to be practised in the limited space available. The Regulatory Services Manager noted there had been ups and downs during and after lockdown with a steep learning curve throughout. However, the team had provided an excellent response to new regulations and legislation. The officer confirmed that all was well with himself and with the team.
- Home working and the potential for possible mental health issues was raised.

Resolved that the report be noted.

5. Licensing Panel Hearings

The report gave an update on Licensing Panel hearings that have taken place since the last Licensing Committee meeting held on 5 November 2019. The Chair thanked the Licensing team, the police and others for enabling Panels to take place. In addition, he reminded Members that there would be meetings of the Licensing Panel on Monday, 21 and Tuesday, 22 September 2020.

Resolved that the report be noted.

6. Pavement Licences and Off-Sales of Alcohol - Business and Planning Act 2020

The Regulatory Services Manager advised Members on the provisions of the Business and Planning Act 2020 relating to pavement licences and associated off-sales of alcohol and noted that the regime would be managed by the Licensing Team. The Government had introduced the Bill as part of measures to promote economic growth in the hospitality sector following the pandemic. The effect of the legislation was to fast-track the process until September 2021 when it would return to being the responsibility of the County Council as it was previously. It had been extremely onerous to introduce a completely new regime within 4 weeks but it had been successfully achieved.

The Committee's attention was drawn to an associated amendment to the Licensing Act 2003 to allow premises with a licence authorising 'on-sales' only (sales of alcohol for consumption on the premises) to automatically have 'off-sales' added to their licence.

In conclusion, the Regulatory Services Manager advised that the report was in accordance with the Council's Constitution and therefore the Planning Committee had delegated authority to the Director (Communities) and the process would be managed by the Licensing team.

The following points were raised during discussion on this item:

- Concern was raised on the lack of appeals process and the officer explained that there was a fast-track review process. It was possible to review the license as a whole which would depend on the available evidence. However if the issue only related of off-sales, then only that element would be reviewed.
- It was noted that the new pavement licenses would help the economy and create a friendlier atmosphere in the area and any problems would be reported to the Council. The Chair noted that it had taken 15 years for the Licensing Act 2003 to encourage the continental approach to the use of pavements.
- Questions were raised with regard to the following:
 - The placement of furniture in front of premises and Members were advised that licence holders were only permitted to use the area directly in front of their premises and needed the consent of neighbours to encroach. Furniture or any boundary fences were not permitted within 1.5 metres of the highway which expanded to 2 metres on busy pedestrian thoroughfares and highways and would not be permitted near, for example, zebra crossings, bus stops etc.
 - With regard to the use of outdoor heaters, the Committee was informed that there were conditions on the type of heaters that were permitted and this did not

include gas heaters but did include electric heaters. However, should an issue arise with any type of heater then this could change.

- The officer confirmed that only a handful of pavement licence applications had been received by the Council and that given the seasons changing it was possible there would be more come the Spring.
- The concern of the Gravesham Access Group was reported in relation to blind and partially sighted people and wheelchair users being put at risk by street furniture. The officer provided an overview of the conditions that are applied to pavement licensing, in respect of such matters as continuous tapping rails, disability compliant barriers and high colour contrasting, for, example, for equality purposes. However, he acknowledged that things were not perfect but could be adjusted when necessary and the Council had the powers to enforce.
- Following a question with regard to smoking and non-smoking areas, the Regulatory Services Manager agreed to email the relevant information to members of the Committee.

Resolved that the report be noted.

Close of meeting

The meeting ended at 8.31 pm