

Licensing Committee

Monday, 05 September 2022

7:30pm

Present:

Cllr Jenny Wallace (Chair)

Cllrs: Derek Ashenden
 Helen Ashenden
 John Caller
 Brian Francis
 Baljit Hayre
 Les Hoskins
 Bob Lane
 Lyn Milner
 Leslie Pearton
 Denise Tiran
 Frank Wardle

Mark Lees	Regulatory Services Manager
Emily Lane-Blackwell	Senior Licensing Officer
Ben Clarke	Committee Services Officer (Minutes)
Chloe Taylor	Committee Services Officer (Minutes)

18. Apologies for absence

An apology for absence was received from Cllr Steve Thompson.

19. To sign the minutes of the previous meeting

Cllr Les Hoskins requested an update following a Licensing Panel that took place regarding the Kings Head, King Street, Gravesend. Members were informed that a verbal update on Licensing Panels held since the previous Licensing Committee would be provided under item 7 of the agenda.

The Senior Licensing Officer agreed to circulate an email with the outcome of the Kings Head Licensing Panel to Committee Members outside of the meeting.

The minutes of the meeting on Tuesday, 02 November 2022 were signed by the Chair.

20. 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.

21. Pavement Report 2022

The Senior Licensing Officer presented the Committee with an update regarding pavement licensing under the Business and Planning Act 2020, The Levelling Up and Regeneration Bill 2022 and The Business and Planning Act 2020 (Pavement Licences) (Coronavirus) (Amendment) Regulations 2022. The report provided Members with information about the current and proposed licensing regimes.

The Senior Licensing Officer highlighted the following points from the report:

- Pavement licensing comes under the Planning Committee for decision making as per the council's Constitution
- It was previously a KCC function but during the pandemic, it was temporarily placed with local authority Licensing Teams in an attempt to create a fast-track process to aid in business recovery.
- This temporary regime was due to expire on 30 September 2020, but it was further extended on a yearly basis, and would now expire on 30 September 2023.
- There were eight premises in Gravesham with a pavement licence, one had renewed and three had applied for a renewal, but all eight licence holders had been notified of the expiry date. The last four were expected to renew their licence within a couple of weeks.
- The Licensing Team were fully aware that there were a number of premises within Gravesham that had tables/chairs on the pavement outside the premises without a pavement licence. However, due to the current temporary measures in place, Licensing Officers were unable to take enforcement action as the enforcement responsibility resided with KCC Highways. Gravesham Licensing Officers were able to send out letters to known premises without a pavement licence advising them to apply for a licence; the Council could use the press/social media to pressure premises
- Parliament was looking to permanently place pavement licensing under local authority licensing teams, but this was still at the discussion stage and the Bill had not yet been passed. If the Bill was passed, then Gravesham would gain enforcement powers and be able to confiscate tables/chairs from premises without a pavement Licence. The Director (Environment) & Deputy Chief Executive had advised that room could be made for storage at Brookvale.

In response to Members' questions concerning the report, the Senior Licensing Officer and Regulatory Services Manager explained that:

- The reference made to Gravesham Borough Council having no enforcement powers applied to those strictly under the pavement licensing scheme. Other GBC enforcement powers, such as those within the Environmental Protection Team, to deal with nuisances could still be utilised.
- KCC were responsible for the enforcement powers under the pavement licensing scheme.
- Concerns regarding the cost of storing collected furniture not covered by a licence will be further explored in the proposed legislation.
- Businesses would be encouraged to apply for a licence if they were using their outside space without one.

- The Senior Licensing Officer and the Licensing Manager would undertake a project to identify the businesses who were operating without a pavement licence. A list of the eight premises with a current pavement licence would be circulated to Members.
- The Senior Licensing Officer confirmed that there had been no reports of nuisance or complaints received about any premises with tables/chairs outside.

The Committee suggested businesses should be encouraged to utilise the space outside their premises and the fee for the licence should be dropped altogether in order to promote businesses in the Borough.

In response to the Committee suggestion, the Regulatory Services Manager advised that he was due to speak to the Assistant Director (Strategic Regeneration) soon and he was keen to include pavement licencing in the Design Code for Gravesham. The fee proposed in the report was the Government cap for the licence, it was not the cost that the Council would charge for the pavement licence. Any fees related to the licence would be assessed by the Licensing Team as part of the process for Annual Fees and Charges Review.

The Committee agreed that the approach should be proactive by encouraging businesses to apply for a pavement licence.

22. S172F Report 2022

The Senior Licensing Officer presented the Committee with the S172F report regarding the off sales of alcohol under the Business and Planning Act 2020, to advise Members that the temporary easement of off-sales of alcohol made during the pandemic under the Business and Planning Act 2020 was likely to be extended to 30 September 2023.

The Senior Licensing Officer highlighted the following points from the report:

- During the pandemic an amendment to the Licensing Act 2003 allowed premises with a licence for 'on-sales' only (sales of alcohol for consumption on the premises), to automatically have 'off-sales' added to their licence.
- On the 26 May 2022, the Home Office Public Safety Group sent a letter out to all authorities, informing them that the provision was going to expire on 30 September 2022, but it had been extended to 30 September 2023
- Gravesham had only two premises take up the easement, The Mole Hole and Sultan Sofrasi.

In response to Members questions concerning the report, the Senior Licensing Officer and Regulatory Services Manager explained that:

- The licensing team were currently unaware of businesses who were operating without this licence, but intended to enhance their proactive work after fully resourcing the team.
- There was no fee for this addition to their licence, but the Licensing Team needed to be notified by the Premises.
- Businesses would be encouraged to apply and cover themselves for future sales.
- A Licensing Assistant and a Licensing Apprentice were due to added to the Licensing Team which meant that more proactive work could be conducted.

The Committee noted the report.

23. Any Other Business which by reason of special circumstances the Chair is of the opinion should be considered as a matter of urgency.

a) Verbal Update – Kings Head, King Street Gravesend.

The Senior Licensing Officer gave Members a verbal update regarding the Licensing Panel for the Kings Head, Kings Street, Gravesend.

The applicant appealed the original decision made in November and it was due to go to magistrates' court, however slightly amended conditions, to those imposed at the Licensing Panel, were agreed by the applicant, the police, and the Committee Members, thus granting them their licence subjected to the agreed conditions.

b) Verbal Update – Milton Road Convenience Store

The Senior Licensing Officer gave a verbal update on a licensing panel that had taken place on 09 May 2022 regarding Milton Road Convenience Store who had requested a 24-hour licence. The Committee was presented with the evidence and the decision was made to grant the licence of off sales of alcohol between the hours of 6am to 2am Mon-Sun, subject to conditions. At the meeting, Cllr Steve Thompson reminded application objectors they needed to provide sufficient evidence to support their argument.

Members raised concerns regarding how evidence should be presented as the Police were helpful in providing verbal evidence in cases where, historically, similar applications have resulted in a licence being suspended.

In response to a Members question, the Senior Licensing Officer advised that:

- The Kings Food Centre on King Street operated Sunday-Thursday 8am -midnight and Friday-Saturday 8am-2am.
- The Kings News and Wine, Queen Street operated Monday-Sunday 8am-11pm.

The Committee were reminded that:

- Each application was considered on their individual merits, and whilst this could cause inconsistencies within an area, licences were granted based on their ability to promote the licensing objectives and the application objections.
- Once a licence was in place, there was no provision to change it unless it was called in for a review but that required supporting evidence of the licensing objectives not being met.
- The four main licensing objectives were the prevention of crime and disorder, protection of public safety, the prevention of public nuisance, and the protection of children from harm.

The Regulatory Services Manager agreed to send Members an email detailing the outcome of the Licensing Panel meeting for Milton Road Convenience Store and answer as to whether or not they had joined the GSAFE Scheme which was a condition added by the Licensing Panel.

It was asked if a time cap could be placed on the sale of alcohol, but greater concerns were raised about the welfare of individuals looking to buy alcohol at later times of the night. It was raised whether a walk with street pastors could be arranged for Members to see how the high-street operated between 9pm and 12am.

The Chair thanked the Committee for a detailed discussion.

Close of meeting

The meeting ended at 8.22 pm